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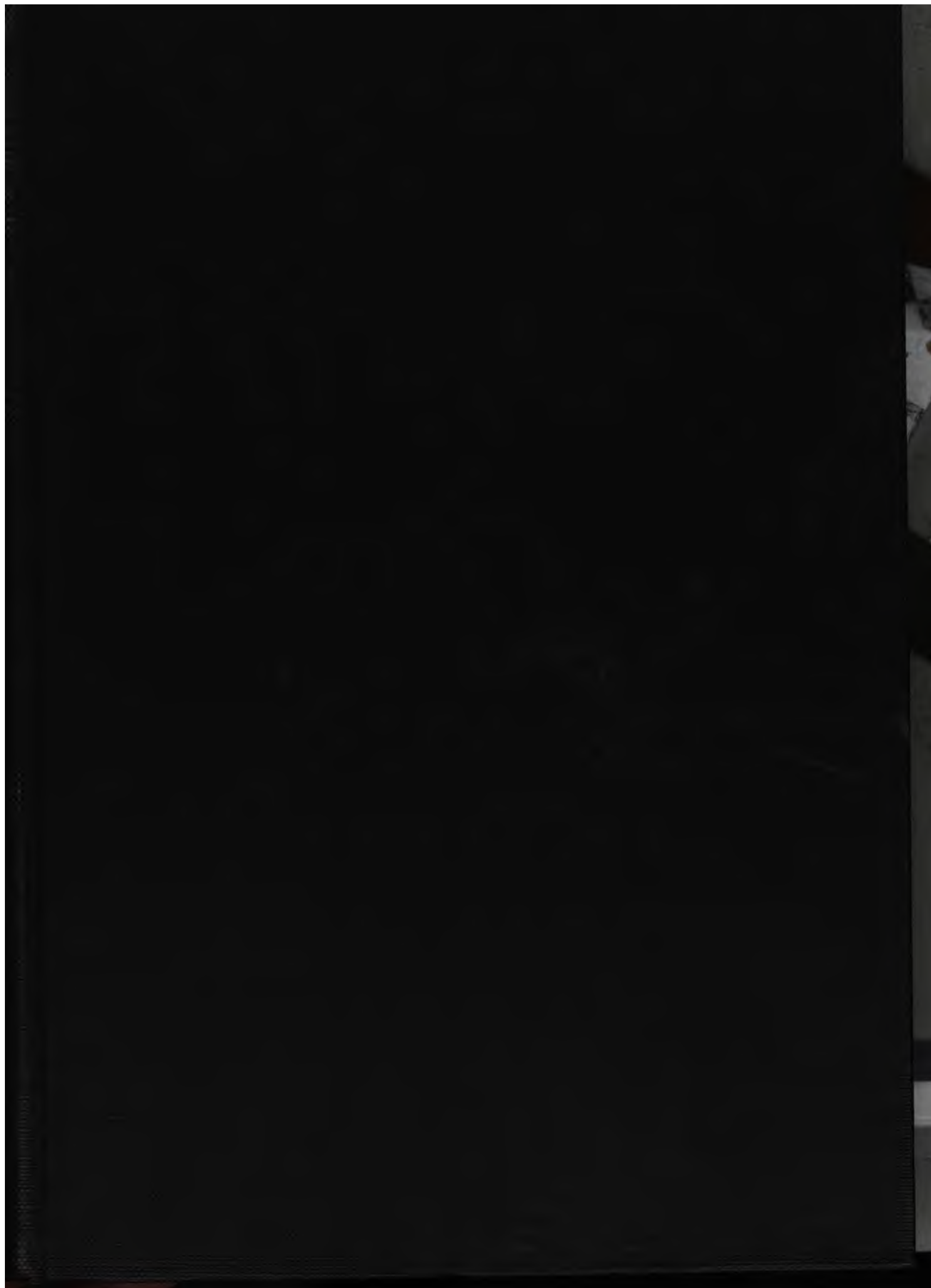
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5

RECORDS
OF
PLYMOUTH COLONY.
LAWS.
1623—1682.

RECORDS
OF
PLYMOUTH COLONY.
LAWS.
1623—1682.



RECORDS
OF THE
COLONY
OF
NEW PLYMOUTH
IN
NEW ENGLAND.

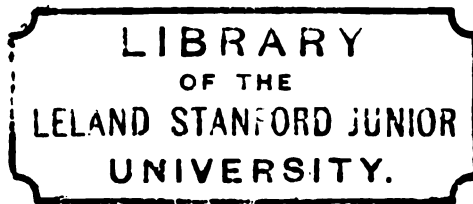
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LAWS.
1623—1682.



BOSTON:
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A 4384

INTRODUCTION.

IN this volume is contained a copy of the manuscript lettered "PLYMOUTH COLONY RECORDS, LAWS, 1623-1681," consisting of three Parts, I, II, and III, having been so arranged and numbered by the late Benjamin R. Nichols, Esq., who states, in an accompanying note, that "the reason of its being divided into three Parts is, that it was before contained in several volumes."

The manuscript volume is principally in the handwriting of Secretary Morton. Pages 5 to 44, of Part I, inclusive, are almost entirely in the handwriting of Edward Winslow, Governor. Pages 45 to 73 appear to be in the handwriting of Nathaniel Sowther. Pages 2, 3, and 4, and the Orders of the General Court commencing 20th October, 1646, page 73, and ending on page 76, were written by an unknown hand. The remainder of the volume, commencing with page 77, Part I, is in the handwriting of Secretary Morton.

Portions of the Orders on the second and third pages, which by time and accident have become illegible, are restored from a copy of these Orders in the first volume of Deeds; and a manuscript volume of the Laws belonging to the town of Scituate has been of great service in supplying some deficiencies and illegible portions; all of which additions and corrections, whether in the text or margin, are printed in brackets [], and in some cases with the letter S. appended.

The Laws were revised in 1636, 1658, and 1671. In 1673 the Court "ordered that nothing shall stand in force in our written booke of lawes; but what the printed lawes Refer vnto."

In several instances, as they were repealed or amended, the changes were made in the manuscript by erasures or interlineations. These alterations are generally preserved in the printed volume.

The first settlers of Plymouth, who came over in the May-Flower, intending to settle near Hudson's River, being fraudulently dealt with and

“brought so far to the northward, the season being sharp, and no hopes of their obtaining their intended port ; and thereby their patent being made void and useless, as to another place : being at Cape Cod upon the eleventh day of November, 1620, it was thought meet for the more orderly carrying on of their affairs and accordingly by mutual consent they entered into a solemn combination, as a body politic, to submit to such government and governors, laws and ordinances, as should by a general consent, from time to time be made choice of, and assented unto. The contents whereof followeth.

In the name of God, amen. We whose names are underwritten, the loyal subjects of our dread sovereign Lord King James, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the faith, etc. Having undertaken for the glory of God, and advancement of the Christian faith, and the honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia ; do by these presents solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid ; and by virtue hereof, do enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and officers, from time to time, as shall be thought most meet and convenient for the general good of the colony ; unto which we promise all due submission and obedience. In witness wherof, we have hereunto subscribed our names, at Cape Cod, the eleventh of November, in the reign of our sovereign Lord King James of England, France, and Ireland, the eighteenth, and of Scotland the fifty-fourth, Anno Dom. 1620.”

In the edition of Morton's New England's Memorial published by the Congregational Board of Publication in Boston, 1855, from which the above is taken, the names of the signers will be found.

Afterwards they had sundry Commissions made and confirmed by the Council established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New England in America, to John Peirce and his Associates, (whose name they only made use of, and whose associates they were,) and on the thirteenth of January, 1629, they procured letters patent, signed by the Earl of Warwick, in the behalf of the rest of the Council, which were granted to William Bradford, and

his heirs and associates, and by him surrendered in 1640, in public court, to Nathaniel Sowther, in the name and for the use of the whole body of freemen.

By a Resolve of the Legislature, passed on the fifth day of April, 1836, it was ordered, that fifteen hundred copies of the Laws of the Old Colony should be published for the use of the Commonwealth, which was done under the supervision of Hon. William Brigham, to which he added the Book of General Laws of New Plymouth, printed in the year 1672, and the Charter of the Council established at Plymouth, in the County of Devon, the Compact made on board of the May-Flower, with other valuable documents, compiled and arranged with critical care and discrimination by the learned Editor.

The Committee appointed by the General Court in 1818, consisting of Rev. James Freeman, D. D., and Benjamin R. Nichols and Samuel Davis, Esqs., to examine the Plymouth Colony Records, &c., in their report say that they "have not been able to discover whether any arrangement was made respecting these records before the union of Plymouth with Massachusetts, or by the Province afterwards." The following memorial and order thereon, in vol. 88, page 391, of the Massachusetts Archives, furnish the desired information on that subject.

"Boston Novem^r y^e 9th 1710

To His Excelency Joseph Dudley Esq^r Gover^r of Her Majesties Prouince of y^e Massachussetts Bay in New-England, y^e Honourable y^e Council, and Representatiues in General Court now Assembled and setting in Boston afore^sd

The memorial of us y^e Subscribers Justices of y^e Peace in y^e seuerall Countys of Plymouth Barnstable and Bristoll Humbly sheweth

That y^e Antient Records of y^e late Colony of New-Plymouth, upon y^e change of Gouverment, and Uniting y^e late Colonys of Massachussetts and Plimouth, were left in y^e hands of M^r Samuel Sprague of Marshfield, who was y^e last Secretary of y^e s^d Colony of Plimouth, and so Remain'd in his hands until his death, which happened some time in September last.

That upon y^e death of y^e s^d Sprague, y^e General Quarter Sessions of y^e Peace within y^e County of Plymouth, Considering y^t y^e s^d Records lay much Exposed, not being in any sworne officers hands, did at their Sessions in September afore^sd, Order y^t Colonel Nathanael Thomas, should take y^e s^d Records into his Care and Custody until further Order should be taken concerning them, and thereupon y^e s^d Colonel

Thomas took y^e s^d Records into his Custody, and keeps them for y^e p^rsent, expecting some further and speedy care and order to be taken concerning them.

That we are Humbly of Opinion y^t it will be most agreeable and *and* satisfactory to y^e Generalty of y^e Inhabitants of y^e Late Colony of Plymouth, y^t y^e s^d Records may be kept and lodg'd in y^e Town of Plymouth, which was y^e Head Town of y^e s^d Colony of Plymouth, and where y^e s^d Records were wont to be kept.

We Therefore Pray y^e s^d Great and General Court, to take y^e Premises into their Consideration, and Order y^t some sutable person may be appointed and Sworne for y^e safe keeping y^e s^d Records accordingly, and Granting Coppys as there may be Occation, or otherwise Order concerning y^e same as y^e s^d Court in their wisdome shall think fit. And we shall Euer pray as in duty Bound/

NATH^{LL} PAINE
JOHN CUSHING
JN^O OTIS

9^o Nov^r 1710./ In Council/.

Read, and Ordered That the Bookes, Records and files of the General Court of the late Colony of New-Plymouth, be committed to the Custody of the Clerk of the Inferiour Court of the County of Plymouth for the time being he dwelling in Plymouth a perfect Schedule thereof being made, with an Indent to be passed for the same to the Justices of the said Court. And that the Clerk be Impowred to Transcribe and Attest Copys of the said Records, for any that shall desire the same upon paying the Establish'd Fees.

Sent down for concurrence,

IS^A ADDINGTON Se^cry

In the House of Representatives

Nov^r 10 : 1710. Read & Concurr'd.

JOHN CLARK Speaker."

The undersigned, having in preparing the copy for the press, and in the examination of the proof-sheets carefully compared the whole three times with the original manuscript, is confident that this volume is accurate in every particular.

DAVID PULSIFER.

MARCH 7, 1861.

MARKS AND CONTRACTIONS.

A Dash - (or straight line) over a letter indicates the omission of the letter following the one marked.

A Curved Line ~ indicates the omission of one or more letters next to the one marked.

A Superior Letter indicates the omission of contiguous letters, either preceding or following it.

A Caret ^ indicates an omission in the original record.

A Cross x indicates a lost or unintelligible word.

All doubtful words supplied by the editor are included between brackets, [].

Some redundancies in the original record are printed in Italics.

Some interlineations, that occur in the original record, are put between parallels, || ||.

Some words and paragraphs, which have been cancelled in the original record, are put between ‡ ‡.

Several characters have special significations, namely:—

@, — annum, anno.	p, — per, par, pur, pear, — psuite,
ā, — an, am, — curiā, curiam.	pursuite; appd, appeared;
ā, — mātrate, magistrate.	pson, person; pte, parte.
ḃ, — ber, — numḃ, number; Robḃt,	p, — pro, — pporḃn, proportion.
Robert.	p̄, — pre, — p̄sent, present.
č, — ci, ti, — acčon, action.	q, — qstion, question.
čō, — tio, — jurisdicčōn, jurisdiction.	q̄, — esq̄, esquire.
č, — cre, cer, — ačs, acres; clerič,	ř, — Apř, April.
clericus.	š, — š, session; šd, said.
đ, — đđ, delivered.	š, — ser, — švants, servants.
ě, — Trěr, Treasurer.	ť, — ter, — neutť, neuter; secreť, sec-
ē, — committē, committee.	retary.
ġ, — ġñal, general; Georġ, George.	ť, — capť, captain.
h, — chr, charter.	ŭ, — uer, — seŭal, seueral; goŭ, gou-
ī, — begīg, beginīg, beginning.	ernor.
ł, — łre, letter.	ū, — abou, aboue, above.
m̄, — mm, mn, — com̄ittee, committee.	ŵ, — ver, — seŵal, several.
m̄, — recoḿdačōn, recommendation.	ˆ, — ver, verse, verses.
m̄, — mer, — form̄ly, formerly.	ŵ, — ŵn, when.
m̄, — month.	y ^s , the; y ^m , them; y ^a , then; y ^r , their;
n̄, — nn, — Peñ, Penn; año, anno.	y ^s , this; y ^t , that.
n̄, — Dñi, Domini.	z, — us, — vilibz, vilibus.
n̄, — ner, — man̄n, manner.	ℓ, — es, et, — statutℓ, statutes.
ō, — on, — mentiō, mention.	ℓ̄, &℄, &c̄, — et cætera.
ō, — mō, month.	viz℄, — videlicet, namely.
ṑ, — par, por; ṑt, part; ṑtion, portion.	/ — full point.

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PLYMOUTH RECORDS.

Laws.

PART I.

(1)

PLYMOUTH RECORDS.

[The present volume is divided into three parts. Of these, Part I., being the more ancient, contains the original Laws, Orders, &c., of the Colony, from 1623 to 1657. On the first page is written "Plymouths ancient [book] of Lawes. 1623." Parts II. and III. contain the Laws as revised, reënacted, and published in the year 1658. Part III. also contains enactments down to the year 1682.

The following pages were not written upon, namely: Part I. 1, 23 (with the exception of two lines), 28, 29, 30, 41 (with the exception of three words), 42, 84, 86, 94. Part II. 56; by mistake the next page is numbered 60. Part III. 21 (excepting six words), 94, 114, 116, 122, 124, 126, 128, 130, 132, 137, 140, 142, 144, 146, 148, 158.

The laws passed from 1683 to 1686, and from 1689 to June 1691, are printed in Volume VI., none being passed by the General Court during their "unjust interruption and suspension therefrom by the illegal arbitrary power of S^r Edmond Andros;" that is, from 1686 until June 1689, when they reassumed their former way of government, and continued in the exercise and enjoyment of it until the Colony was annexed to Massachusetts, in the year 1691.—D. P.]

* Orders agreed on at severall times for the Gen-
erall good of the Colony and the Better goveẽment
and preservation of the fame.

[PART I.]

*2

IT was ordained 17 day of Decemb^r An^o 1623 by t[he Court] then held that all Criminall facts, and also all [matters] of trespasses and debts betweene man & man should [be tried] by the verdict of twelve Honest men to be Impanelled by Authority in forme of a Jury upon their oaths.

It was decreed by the Court held the 29 of March An^o 1626: That for the preventing of such inconveniences as do & may befall the plantation by the want of Timber. That no man of what condition soever sell or transport any mañer of works as frames for houses planks boards shipping shallops boats cannoos or whatsoever may tend to the distruction of timber afores^d how little soever the quantity be without the Consent approbation

[PART I.]

and liking of Governour and Councill. And if any be found faulty herein and shall Imbarque or any way convey to that end to make sale of any the goods aforesaid Expressed or Intended by this Decree the same to be forfeited and a fine of twice the vallue for all so sold to be duly taken by the Governour for the use and benefitt of the Company.

It was further decreed the day 9 year above written for the preventing of such abuses as do and may arise amongst us that no handy-craftsman of what profession soever as Taylors Shoemakers Carpenters Joyners Smiths Sawyers or whatsoever w^{ch} do or may reside or belong to this plantation of Plimouth shall use their science or trades at home or abroad for any strangers or forreigners till such time as the nescesity of the Colony be served. Without the consent of the Governour and Councill: the brach thereof to be punished at their discretion:

It was ordained the s^d 29 of March 1626: for the preventing scarsity as alsoe for the farthering of our trade that no corne beans or pease be transported Imbarqued or sold to that end to be Conveyed out of the Colony without the leave and licence of the governour 9 counsell. The breach whereof to be punished with los of the goods so taken or p[roued] to be sold: and the seller farther fined or punished or bot[h] at the discession of the Gov^r and Councill.

It was agreed upon by the whole Court held the sixth [of Januar 1627 that from hence] forward no dwelling house [was to be couered with any kind of thatche, as straw, reed &c. but with either bord, or pale 9 the like; to wit: of all that were to be new built in the towne.]

Plimouth:

*3

*The 3^d of January, 1627: it was agreed in a full Cour[t about division] of lands as followeth.

Imp^r.

That the first division of the acres should stand and continue f[irme according] to the former division made unto the possessors thereof and to their heires for ever: ffree Liberty being Reserved for all to gett fire wood [thereon] but the Timber trees were excepted for the owners of the ground.

2^{ly}

That the 2 division should consist of 20 acres to every person and to Contain five in breadth 9 four in length and so accordingly to be di[vided] by lott to every one which was to have share therein.

3^{ly}

The Ground to be judged sufficient before the Lots were drawne and the rest to be left to coffin use.

4^{ly}

This being done, that for our better subsistance and convenience those grounds which are nearest the Town, in whose lott soever they fall shall be

used by the whole for the space of 4 years from the date hereof: viz^t first [PART I.]
 that the Right owner make choice of twice that quantity he shall or may
 [use] within the s^d terme and then to take to him such neighbours as shall have
 need & he think fitt: but if they cannot agree then the Govern^r and Councill
 may appoint as they think meet: provided that the woods [be] ordered for
 felling & lopping according as the owner shall appo[int:] for neither fire wood
 nor other timber either for building or fen[cing] or any other use is to be
 felled or caryed off of any of these ^ without the owners leave & license, but
 he is to preserve [them] to his best advantage.

That what soever the surveighers judge sufficient shall stand wi[thout] 5^{ly}
 contradiction or opposition and every man shall Rest Contented [with] his
 lott.

That after the purchasers are served as afores^d; that then such p[lan]ters 6^{ly}
 as are heirs to such as dyed before the Right of the land was [yield]ed to the
 Adventurers have also 20 acres a person p[ro]portionable to their Right Layed out
 in part of their Inheritance.

That first they shall begin where the acres of the first division end and 7^{ly}
 Lay out that to the Eele River so far as shall be thought fitt by the Surveigh-
 ors, and Returne to the north side of the Tow[n] and so p[ro]ceed accordingly,
 and that they leave all great Tim[ber] swamps for common use.

That ffowling fishing and Hunting be free: 8^{ly}

That the old path ways be still allowed and that eve[ry] man be allowed 9^{ly}
 a conveanient way to the water where[soever] the lott fall:

*Lastly that Every man of the Surveighers have a peck of Corne for *4
 Every share of land layed out by them to be paid by the owner thereof when
 the same is layd out.

The names of the layers out were these

WILLIAM BRADFORD	FRANCIS COOKE
EDWARD WINSLOW	JOSHUA PRATT
JOHN HOWLAND	EDWARD BANGS

[PART I.]

* New Plymouth Novbr 15. 1636

*5

WHEREAS at his Ma^{ties} Court held the [4th & 5th] of Octobr in the 12th yeare of the raigne of our [Sov.] Lord Charles by the grace of God King of Engl. Scotl. fr. & Irel. Defendor of the ffaith &c I[t was] ordered that M^r William Brewster M^r Ral[ph] Smith M^r John Dōne & John Jenny for the [Town of Plymouth, Jonathan Brewster & Chris[topher] Wadsworth for Duxburrough, & James C[udworth] & Anthony Annable for Scituate should be [added] to the Gov^r & Assistants as Com^{it}tees for the whole body of this Com^{on} weale should meete together the 15th of Novbr at Plymouth aboue men^{cioned} & there to puse all the lawes orders & constitu^{cion}s of the Planta^{cion}s wthin this Governm^t that so those that are still fitting [might] be established, those that time hath made [un]necessary might be rejected & others that were wanting might be preped that so the nex[t] Court they might be established.

Now being assembled according to the said [order] and having read the Combina^{cion} made at [Cape] Cod the 11th of Novbr 1620 in the yeare of [the] raigne of our late Sov. L. King James of Engl. fr. [&] Irel. the eighteenth, & of Scotland the fifty [fourth] as also our letters Patents confirmed by [the] honorable Councell his s^d Ma^{ties} established & [granted] the 13th of January 1629 in the fife yeare of the raigne of our sov. Lord King Charles. And finding that as freeborne subjects of the State of Engl. we hither came indewed wth all & singular the priviledges belong to such, in the first place we thinke good that it be establish[ed] for an act That according to the & due priviledge of the subject aforesaid no imposicon law or ordnance be made or imposed vpon vs by ourselves [or others at] present or to come but such as shall be made [or] imposed by consent according to the free liberties [of the] State & Kingdome of Engl. & no otherwise.

Impr^s
Act I.

*6

*That whereas before expressed we finde a solemne & binding Combinacon as also l^{rs} Patents derivatory from his Ma^{ties} of Eng. our dread Sov. for the ordering of a body politick wthin the severall limits of this Patent viz^t from Cowahasset to the utmost [bounds] of Puckanokick [westw]ard & all that [tract] of land southward to the [souther]ne ocean wth all & singular lands rivers havens waters creeks ports fishings fowlings &c. By vertue whereof we ordaine institute and appoint the first Tuesday in March every yeare for the elec^{cion} of such officers as shall be thought meet for the guiding & governm^t of this Corpora^{cion}.

This is altered afterwards to the first Teusday in June yearely by a gen^{all} Court.

That at the day & time appointed a Goſr & seaven Assistants be chosen to rule & governe the said plantacons wthin the said limits for one whole yeare & no more. And this eleccon to be made onely by the freemen according to the former custome. And that then also Constables for each pt & other inferior officers be also chosen.

[PART I.]

Act 2.

That in every eleccon some one of the Assistants or some other sufficient pson be chosen Treasurer for the yeare present whose place it shall be to receiue in whatsoever sum or sums shall apperteine to the Royalty of the place either coming in by way of fine amerceam^t or otherwise And shall improve the same for the publick benefitt of this Corporacon by order of the Governm^t. As also to giue a just account thereof to the ensuing Treasurer & to the Goſr when ever he shall demand it. or the Court when they appoint.

3

Clarke of the Court.

That a ~~Secretary~~ [^] also be chosen for the yeare.

That also one be chosen to the office of Coroner to be executed as neere as may be to the laws & practise of the kingdome of Engl. & to continue one yea[re.]

*The Office of the Goſr

*7

The office of the Goſr for the time being consi[sts in] the execucon of such laws & ordnanc[es] as are or shall be [made] & established for the good of this Corporacon according [to the] severall bownds & limits thereof. vizt: In calling togeth[er] or advising wth the Assistants or Councell of the said Corporacon upon such materiall occasions (or so seeming to h[im,] as time shall bring forth. In wth assembly & all other the Goſr to propound the occasion of the Assembly & ha[ve] a dowble voice therein. If the Assistants iudge the case too great to be discided by them, & refer it to the Generall Court, then the Governor to summon a Court by warning all the ffreemen aforesaid that are then extant, and there also to propownd cawses, and goe before the Assistants in the examinacon of pticulars, and to propound such sentence as shall be determined. ffurther it shall be lawfull for him to arrest & comit to ward any offenders provided that w^t all convent spede he shall bring the cawse to hearing either of the Assistance or Generall Court according to the nature of the offence. Also it shall be lawfull for him to examine any suspicious psons for evill against the Colony, as also to intercept or op[pose] such as he conceiveth may tend to the overthrow of the same. And that this Office continue one whole yeare & no more wthout renewing by eleccon.

[PART I.]

*The Oath of the Govr.

*8

You shall sweare to be truly loyall to ~~our Sovereigne Lord King Charles~~
~~the State & Govern^t of England as it now stands.~~
 his heires & successors. Also according to that measure of wisdome vnder-
 standing & discerning given unto you faithfully equally & indifferently wthout
 respect of psons to administer justice in all cases com^{ing} before you as the
 Governour of New Plymouth. You shall in like maner faithfully duly &
 truly execute the lawes & ordnanc^e of the same, And shall labor to ad-
 vance & further the good of the Colonies & Planta^{co}ns wthin the limits
 thereof to the utmost of yo^r power and oppose any thing that shall seeme
 to hinder the same. So helpe you God who is the God of truth & punisher
 of falsehood.

The oath of a ffreeman.

You shall be truly loyall to ~~our Sov. Lord king Charles~~ his heires &
~~the State & Govern^t of England as it now stands.~~
 successors. You shall not speake or doe, devise or advise any thing or
 things act or acts directly or indirectly by land or water, that doth shall
 or may tend to the destruc^{co}n or overthrow of this p^{re}nt planta^{co}ns Colonies
 or Corpora^{co}n of New Plymouth, Neither shall you suffer the same to be
 spoken or done but shall hinder oppose & discover the same to the Go^vr
 & Assistants of the said Colony for the time being or some one of them.
 You shall faithfully submit unto such good & wholesome laws & ordnanc^e as
 either are or shall be made for the ordering & governm^t of the same, and
 shall endeavor to advance the growth & good of the severall ^{plantations} Colonies wthin
 the limit^e of this Corpora^{co}n by all due meanes & courses. All w^{ch} you
 promise & sweare by the name of the great God of heaven & earth simply
 truly & faithfully to pforme as you hope for help fr^o God who is the God of
 truth & punisher of falsehood.

*9

*The office of an Assistant.

The Office of an Assistant for the time being consisteth in appearing at
 the Governors sump^{ti}ons, and in giving his best advice both in publick Court &
 private Councell [with] the Go^vr for the good of the Colonyes wthin the lim-
 it[s] of this Governm^t. Not to disclose but keepe secret such things as con-
 cerne the publick good, and shall be thought meet to be concealed by the
 Goverⁿr & Councell of Assistants: In hauing a speciall hand in the examina-
 coⁿ of publick offenders, and in contriving the affaires of the Colony. To
 haue a voice in the censuring of such offenders as shall not be brought to

publick Court. That if the Governor haue occasion to be absent from the Colony for a short time, by the Go^vr wth consent of the rest of the Assistants he may be deputed to governe in the absence of the Governour. Also it shall be lawfull for him to examine & comit to ward where any occasion ariseth where the Gov^r is absent, provided the pson be brought to further hearing wth all convenient speede before the Govern^r or the rest of the Assistants. Also it shall be lawfull for him in his Ma^{ties} name to direct his warrants to any Constable wthin the Government who ought faithfully to execute the same according to the nature & tenure thereof. And may binde over psons for matters of crime to answere at the next ensuing Court of his Ma^{ties} after the fact comitted or the pson apprehended. [PART I.]

*The Oath of the Assistants.

*10

Yee shall all sweare to be truly loyall to our Sov^r. Lord King Charles his heires & Successors Also ye shall faithfully truly & justly according to that measure of discerning & discretion God hath given you be assistant to the Go^vr for this p^rnt yeare for the execu^cōn of justice in all cases & towards all psons comⁱng before you wthout ptiallity according to the nature of the Office of an Assistant read unto you. Moreover yee shall diligently duly & truly see that the Lawes & Ordⁿanc^e of this Corpora^cōn be faithfully executed; and shall labor to advance the good of the severall Planta^cōns wthin the limits thereof, and oppose any thing that shall hinder the same ^{by all due meanes and courses} ~~to the utmost of yer power~~. So help you God who is the God of truth & punisher of falsehood.

The Oath of any residing wthin the Govern^{mt}.

You shall be truly loyall to our Sover. Lord the King his heires & Successors. And whereas you make choice at p^rnt to reside wthin the Govern^{mt} of new Plymouth, You shall not doe or cause to be done any Act or Acts directly or indirectly by land or water that shall or may tend to the destruc^cōn or overthrow of the whole, or any the severall Colonies wthin the said govern^{mt} that are or shall be orderly erected & established but shall contrariwise hinder oppose & discover such intents & purposes as tend thereunto to the Governor for the time being or some one of the Assistants wth all convenient speede. You shall also submit unto & obey such good & wholesome lawes Ordⁿanc^e & Officers as are or shall be established wthin the severall limits thereof. So helpe you God who is the God of truth & punisher of falsehood.

[PART I.]

*The Oath of a Constable.

*11

You shall sweare to be truly loyall to ~~our Sovereigne Lord King Charles~~
~~the state and Government of England as it now stands.~~

~~his heires & Successors, wh~~ (you shall faithfully serue in the office of a Constable
 in the ward of for this p̄nt yeare according to that measure of wisdome un-
 derstanding & discretion God hath given you. In wth time you shall diligently

The

see that (his Ma^{ties}) peace cōmāded be not broken, but shall carrie the pson
 or psons offending before the Governōr of this Corporaōn or some o[ne] of his
 Assistants, and there attend the heari[ng] of the Case and such order as
 shall be given [you]. You shall apprehend all suspitious psons, and bring
 them before the said Goṽr or some one of his Assistants as aforesaid. You
 shall duly & truly serue such warrants & giue such suō[ns] as shall be
 directed unto you frō the Goṽr or Assistants before menōned, and shall
 labo[ur] to advance the peace & happines of this Corporaōn & oppose any
 thing that shall seeme to annoy the same by all due meanes & course[s.] So
 helpe you God who is the God of truth & punisher of falsehood.

Election of of-
 ficers at the
 genall Courts.

*12

*That the annuall elecōn of Officers before expressed be at a Generall
 Court held in his Māties name of Engl. And that the Goṽr in due season
 by warrant directed to the severall Const in his Māties name aforesaid giue
 warning to the ffreemen to make their apparance : And that all other our Courts
 warrants, summonds or cōmānds by way of justice be all done directed & made
 in the name of his Majesty of England aforesaid our dread Soveraigne.

fyne of non
 appance.

And for default in case of apparance at the Elecōn before menōned
 wthout due excuse each delinquent to be amerced in 3 ~~ff~~. sterl.

q^r

Repealed June
 25, 1645.

That if at ~~any~~ time ~~any~~ shall be ~~elected~~ to the office of Governor
 & will not hold ~~according~~ to the elecōn that then he be amerced in 20th
 starling ffine.

Repealed June
 1645.

That if ~~any~~ ~~elected~~ to the office of Assistant refuse to hold according to
 elecōn that then ~~he~~ be amerced in ten pownde starling ffine.

Repealed
 x 1639.

That in case ~~one~~ & the same pson should be elected Goṽr a second
 yeare having held the place the foregoing yeare it should be lawfull for
 him to refuse wthout any amercem^t unless ~~they~~ can prevaile wth him by
 entreaty.

*That the Governm^t vizt the geſſall Courts & Courts of Aſſiſtants be held at Plymouth, ~~& that the Gov^r held his dwelling there for the p^{re}ſent years~~ except ſuch Inferio^r Courts as for ſome matters ſhalbe allowed by this Court in other places of this Goſſiment.

Courts where kept/
This clause repealed at
March Court, 1642.
*13

That a great Queſt be pannelled by the Go^vr and Aſſiſtants or the major pt of them & warned to ſerue the king by enquiring into the abuſes & breaches of ſuch whoſome lawes & ordnanc^e as tend to the preſervacōn of the peace & good of the ſubject. And that they preſent ſuch to the Cotrt as they either finde guilty or probably ſuſpect that ſo th[ey] may be pſecuted by the Go^vr by all due meanes.

Grand Jury how pannelled.

It is enacted That no p^{re}ſentment hereafter ſhalbe exhibited to the Grand Enqueſt to be brought to the Bench except it be donn vpon oath and that it ſhalbe lawfull for any of the Aſſiſtants to adminiſter an oath in ſuch caſe.

March 2^d 1640.

and a whipping poſt

That in every Conſtablerick there be a paire of ſtocks erected. ~~Also a cage w^{ch} ſhall be of competent ſtrength to detaine a priſoner.~~ & theſe to be erected in ſuch place as ſhall be thought meet by the ſeverall neighborhoods where they concerne vpon the penalty of x^s for any townſhip w^{ch} ſhalbe defectiue herein.

Stocks & whipping poſts.

That the Conſtable ſee the high waies for man & beaſt be made & kept in convenient repaire & therefore ~~be alſo appointed ſurveighor for the liberty he is choſen.~~ That Two Surveighers in every Conſtablerick be choſen each years to ſee that the high waies be mended competently. And if it fall out that a way be wanting upon due complaint That then the Governour panell a Jewry & upon Oath charge them to lay out ſuch way as in conſcience they finde moſt beneficiall for the Coſmon weale & as little prejudice as may be to the p^{ar}ticular/

This p^t is repealed.

*That it be lawfull for the Governour as well to pannell ſuch the king^e ſubjects of good report that are ffreemen & no ffreeman upon Jewry to doe ſervice to his Ma^{ty} as well as ſuch as haue taken up their ffreedome if thought convenient.

Who to be panneld in Juryes.
*14

That the lawes & ordnanc^e of the Colony & for the Governm^t of the ſame be made onely by the ffreemen of the Corporacon & no other. provided that in ſuch rates & taxa^{ti}ons as are or ſhall be laid upon the whole they be wthout ptiallity ſo as the ffreeman be not ſpared for his freedome, but the levy be equall. And in caſe any man finde himſelfe aggrieved that his complaint may be heard & redreſſed if there be due cauſe.

Lawes made by y^e ffreemen.

[PART I.] That an oath of Allegiance to the King & fidelity to the Governm^t & the sev. Colonies therein be taken of every pson that shall liue wthin or under the same.

oath of fidelity to all.

Tryalls by Jury. *15 *That All trialls whether Capitall or between man & man be tryed by Jewryes according to the president^l of the law of Engl. as neer as may be.

Goſnoure & 2 assistants determine cases sub. 40^a. That the Goſr & two Assistant^l at the lest shall as occasion shall be offered in time convenient determine in such triviall cases vi^t under forty shilling^l between man & man as shall come before them as also in offence of smale nature shall determine doe & execute as in wisdom God shall direct them.

Offence Capitall.

Capitall offence lyable to death.

Treason or rebellion against the pson of the King State or Comon wealth either of England or these Colonies.

Willfull Murder.

Solemn Compaction or conversing wth the divell by way of witchcraft conjuration or the like.

Willfull & purposed burning of ships howses.

Sodomy, rapes, buggery.

Adultery to be punished.

offence criminal. Altered.

*16

*Adultery. Fornication & other uncleane carriages to be punished at the discretion of the Majestrates according to the nature thereof.

fornication before contract or marriage.

The stealing or attempting to steale ships boat^l muni^on or other things of that nature to be punished according to the determination of the Majestrates.

sale of lands acknowledged before one of Assistants.

That all sales exchanges gift^l mortgages leases or other Conveyance^l of howses & land^l the sale to be acknowledged before the Goſr or any one of the Assistants & committed to publick Record and the fees to be paid.

Marke of Cattle.

That euery mans marke of his Cattle be brought to the towne booke where he liues & that no man giue the same, but shall alter any other bought by him & put his owne upon them.

land after Greenew^{ch} hold.

That Inheritance do descend according to the comendable custome of Engl. & hold of Est Greenew^{ch}.

That If the husband die the wife ^{shal} ~~to~~ have a third pt of his land℥ [PART I.]
^{her} during ^{and} a life, ~~And if he die wthout will to have also~~ a 3^d of his good℥ ^{a wiues p^t of lands & goods.}
 to be at her owne disposeng
~~but by will may wholly be disposed of by the husband, as he please.~~

That One Co^mon standard to be used by all for weight & measure W^e℥ meas-
 And that according to Winchester w^{ch} is the standard of Engl. ures.

*That No Warre nor league of peace be made by a[n]y p^ticular p^{er}son or of warre &
 p^{er}sons but such as shall be agreed & determined in and by a Generall Court, leaues.
 except in such case of eminent danger as a Court cannot be called or Confirmed.
 summoned. *17

That in case necessity require to send forc℥ abroad℥ & there be not vol- Souldiers
 unteers suffi^c offered for the service then it be lawfull for the go^urn^r & As- pressed.
 sistants to presse in his Ma^{ties} name by their warrant directed to the Con- Confirmed.
 stables. Prouided if any that shall goe returne maymed & hurt he shalbe
 mayntayned competently by the Colony duringe his life. And also that if
 there shalbe neede of horses for the Countreys service it shalbe lawfull for
 the Go^urn^r & Assistant℥ likewise to presse horses for such service by the x x
 paying them for them or taking order for their payment.

That concerning misdemeanors as any shall be convicted in Court of
 any p^ticular to be Censured by the bench according to the nature of the
 offence as God shall direct them.

That none be allowed to marry that are under the covert of parent℥ but Marriage.
 by their consent & approba^{ti}on. but in case consent cannot be had then it shall
 be wth the consent of the Gove^r, or some assistant to whom the p^{er}sons are
 knowne whose care it shall be to see the marriag be fitt before it be allowed
 by him. And after approba^{ti}on be three severall times published before the
 solemnising of it. or els in places where there is no such meetings that con-
 tract℥ or agreement℥ of marriage may be so published, that then it shalbe
 lawfull to publish them by a writing thereof made and set vpon the usuall
 publike place for the space of fiteene days. p^{ro}vided that the writing be vnder
 some majestrat℥ hand or by his order.

That all such as dept any his Ma^{ties} Court℥ before they be dismissed Dep^{ty}ing
 wthout due leaue be amerced in three shillings ster^l. Courte.

[PART I.]
Timber of
swamps.

That no man make sale or sell out of the Colonys any kind of board℥ planck℥ or Timber that hath been growing in any the swamps that are reserved for publick use wthout leaue, but shall onely so doe of such as arise out of his owne prop grownd℥.

Particular
armes.
*18

*That each pson for himselfe ℥c accord to Jan. 2^d 1632 haue peece powder ℥ shott viz^t a suffiç musket or other serviceable peece for war wth bandeleroes sword ℥ other appurtenanc℥ for himselfe ℥ each man serv^t he keepeth able to beare Armes. And that for himselfe ℥ each such pson under him he be at all times furnished wth two pownd℥ of powder and ten pownd℥ of bullet℥ ℥ for each default to forfeit ten shillings.

Since this tyme it is agreed upon by the Comissioners that it shalbe but one pound of powder ℥ foure pound℥ of bullets wth match foure fathome for eich matchcock peece.

q^r

That no sheepe be sould out of the Colonys if com~~petent~~ price will be heere given for them.

Plymouth.

1633 Oct 28
Act 2.

It is further enacted that whereas formerly a smale moyety of land was allotted to each ffamily for their convenient subsistance in the towne of Plymouth vizt to each pson an acre, ℥ that now the said Acres lie void the ancient inhabitant℥ being for the most pt removed from thence: Insomuch that as formerly they were the meanes of subsisting in towne now the ppriety of psons in them elsewhere seated hinder others from com̄ing into the towne: by w^{ch} meanes the said towne is like to be dispeopled It was therefore agreed uppon by the mutuall consent of the whole (two psons onely excepted) That all ℥ every such pson ℥ psons should ℥ did surrender ℥ cast up their right in the said Acres that they may be disposed of to such as doe or shall inhabite the said towne of New Plymouth as also other the wast grownd℥ about the said Towne by such an orderly ℥ equall course as shall be thought meet by the Go^vr ℥ Cowncell, And that the said Go^vr ℥ his Assistant℥ thinke of some equall course to satisfie such as haue purchased any ℥ the psons not able to make satisfacōn.

1633 Oct 28
Act 3.
Plymouth
weare.
*19

*That whereas God by his pvidence hath cast the ffish [called] alewiues or herring℥ in the midst of the towne of new Plymouth. And that the grownd thereabout hath been wor[ne] out by the whole to the damage of those that now inhabite the same. It is therefore enacted That the said herrings Alewiue℥ or shadd℥ com̄only used in the setting of Corne be appropriated to such as doe or shall inhābite the Towne of Plymouth aforesaid. And

that no other haue any right or propriety in the same saue onely for bait for fishing, and that by such an orderly course as shall be thought meet by the Goŵr & Assistant℄ [PART I.]

That the wills & Testam^t℄ of such as die be pved orderly before the Goŵr & Assistant℄ wthin one moneth after the decease of the Testator And that a full Inventory duly valued be presented wth the same before t^{rs} of Administra^on be granted to any of all the good℄ & chattels of the said psons. Also if in case any man die wthout will his good℄ be by his wife or others neerest to him inventoried & duly valued & presented to the Goŵr & Assistant℄ wthin one moneth after the decease of the said pson so dying. And if it be a single pson wthout kindred heer resident That then the Goŵr appoint some to take a just Inventory of the same & to present the same upon Oath to be true & just as in other the cases before men^oned. Testam^t℄ Act 4.

*That in case it fall out that any die more indebted then their estates of good℄ & Chattels amount unto If the pson so deceased haue bought any land℄ in his life time to the impaying of his estate otherwise, That the land℄ so bought be sold to make satisfac^on to the Creditors: But whereas a por^on is disposed of to each for the subsistance of him or herselfe & ffamily, That such land℄ remaine to the survivors his or her heires &c no seisure being allowed the creditors in that case. 1633 Jun. 2. Act 4. Lands of deceased to pay debt℄. *20

That whatsoever da^mage coms to any by Cows goat℄ mares sheepe or any of those kindes by comⁱng into their corne or gardens be made good by the owners of the said Cattle as it shall be valued by two of the neighbours. And that it shall be lawfull upon each such trespassed to impownd the Cattle trespassing till due satisfac^on be made.

*That no man keepe more swine then he can ordinarily keepe about his owne place, and that they be dowbly rung or at lest sufficiently wrong that they roote not up & destroy the medows &c And if in case any shall finde himselfe aggrieved & require the yoaking of any unruly swine, by reason of damage he is like to sustaine then to forfeit for every such default p weeke besides the da^mage fve shilling℄. Swine. more pag. 48. 51. *21

Also if in case any be fownd unrung (or unyoaked after notice as before) q^r then to forfeit upon discovery of it for each swine 2℄℄ for every weeke after any shall so continue fve shilling℄ the one half to come to the pson so find^o ing & discovering them, the other half to the Towneship to w^{ch} the owner belong℄. Also that all pigg℄ at or before ten week℄ old shall be rung. And

[PART I.]

upon suffiç notice to the next justice of the peace he to grant warrant to the Constable to straine any of these fines. The time of yoking to continue from mid June to Sept. ult. if required. But if any lose their ringℓ or yoakes the first notice to be wthout fine.

Purchasers
lands.
more follow-
eth.

*22

q^r

*That whereas as well the landℓ wthin this patent as the muniçon ℓc was bought by way of purchase by diverse the Inhabitantℓ of new Plymouth and that the said purchasers are possessed but of smale pporçons of land ℓ many of them meane. It is therefore thought meet that the said purchasers shall hold ℓ haue reserved for themselues ℓ their heires so much land in such place ℓ placℓ as they shall judge meete ℓ convenient for themselues ℓ their heires aforesaid.

land to chil-
dren.

q^r

That such children as are heer borne ℓ next unto them such as are heer brought up under their parentℓ ℓ are come to age of discretion allowed, ℓ want landℓ for their accomodaçon be provided for in place convenient before any that either come from England or elsewhere. then to seeke as they are.

purchasers
land.
q^r

That place ℓ placℓ convenient reserved for the said purchasers ℓ their heires. They surrender the remainder of the landℓ to be disposed of wthin the limitℓ of the ℓrs patent dated

to W. B. ℓ his associatℓ
to the Governm^t consisting of the Majestrates ℓ ffreemen of this Corporaçon.

*23

*That a convenient forme for Register of mens ptiç holds be heer incerted.

fishing fowl-
ingℓ ℓ hunt-
inge.

*24

*That fishing fowling hawking hunting be freely allowed provided if any damage come to any pticular by the prosecuçon of such game restituçon be made or the case actionable. But if any man desire to improue a place ℓ stock it wth fish of any kinde for his private use it shall be lawfull for the Court to make such a grant ℓ forbid all others to make use of it.

Pownde.

That every Constablerick haue a suffiç pownd to ^{impound}~~imprison~~ Cattle that shall transgresse any such orders [as] are or shall be made.

A law added for a pound breach.

Heardinge.

That no man doe heard either his owne Cattle or other mens to the prejudice of any at or neere his or their howse upon their land but upon due notice ℓ warning shall reforme it or the case be actionable.

That whoever shall kill a Wolfe & make it suffiç knowne to the Goṽr or ^[PART I.] some assistant shall haue four bushell of Corne to be rayسد of the Constable-
rick or liberties. ^{Killing wolffs.}

That w'tever damage come to any by Cowes, goat℥ mares sheepe or hog℥ ^{Trespases.} by breaking into mens suffiç. inclosures. It shall be lawfull for the psons sc damnified to impownd them, and two indifferent men to view the damage w^{ch} accordingly shall be given & payd.

*That no guns or Iron traps be sett unles in ptiç inclosures & that not Iron traps.
neere any high way. ^{*25}

That no serv^t coming out of his time or other single pson be suffered ^{March 24 1636.} to keepe howse or be for him or themselues till such time as hee or they be ^{Servants & single psons.} competently provided of Armes & muniçon according to the order of the Colonyes. And that if any such be yet wanting they be provided as afore-said or else provide themselues such masters as may provide for them. And that to be done forthwth upon due warning.

That none be suffered to retale wine strongwater or beere either w^{thin} ^{Retaylors of wine & beere.} doores or w^{thout} except in Inns or Victualling howses allowed. And that no beere be sold in any such place to exceed in price two pence the Winchester quart.

That such as either drinke drunke in their psons or suffer any to drinke ^{q^r Drunknes.} drunke in their howses by enquired into amongst other misdemeanors & accordingly punished or fined or both by the discreçon of the bench.

That the children & serv^t℥ of such as dwell neer any victualling howse ^{q^r} be not entertayned or suffered by the m^r of the s^d howse there to drinke & spend their time but if any such thing can be proved it be esteemed a misdemeanor punishable in the s^d Victualler & to be enquired into.

*That such serv^t℥ as come out of their times and are by their Coṽ^t℥ to ^{Lands to serv^t} haue land℥ haue onely fiue acres apeece at p^{nt} And that, if they be fownd ^{*26} fit to occupie it for themselues in some convenient place.

That none be allowed to be howsekeeps or build any Cottages or ^{housekeep^r who.} dwelling howses till such time as they be allowed by the Goṽr or some one or more Cowncell of Assist℥

[PART I.] That from this time forward whoever shall cov^t to giue landℓ by Indenture to their serv^tℓ at the expira^on of their service shall make good the same out of their pp landℓ, the Governm^t being free frō any such Cov^tℓ & therefore not to be expected.

Purchasers & freeme of Plymouth. That the towne of Plymouth viz^t the purchasers & ffreemen. haue lib^{doe}erty of themselues to dispose of the lands that are or shall belong unto them to such they thinke meet to receiue in unto them, And also to make such orders for their convenient & more cōfortable subsistance as shall by them be thought most meet & convenient provided they be not contrary to the publick ordnancℓ of the Governm^t

Scituates liberty. That Scituate be allowed the like liberties & to dispose of the growndℓ between the North River & Cowehasset provided they have recourse to Plymouth in case of Justice.

lands given to psons who liue not vpon the same. *That whereas landℓ are given & g[ranted] to psons upon supposall of their living upon them for the maintenance & strength of society. If it fall out that psons shall not occupie any such landℓ but dept from the same place, such former grant or grantℓ to be of none effect but shall returne & be otherwise disposed of by the Governm^t in generall or Towneship in pticular as it shall fall out.

Holy dayes. q^r That it be in the power of the Governor & Assist^s to co^mand solemn daies of humilia^on by fasting &c and also for thankesgiving as occasion shall be offered.

Misdemeanors p^rsentable. That all such misdemeanōrs of any pson or psons as tend to the hurt & detriment of society Civility peace & neighbourhood be enquired into by the grand Enquest & the psons presented to the Court that so the disturbers thereof may be punished & the peace & welfare of the subject comfortably preserved.

Office & fees of the Messenger. *The Office of the Messenger

*31 To be ready at the Governours or any the Assistants warning to doe such service as shall be appointed for the good of the severall Colonies wthin this Governm^t & to be esteemed as a publick officer to doe & execute according to the nature of such warrantℓ as shall be directed to him in any pt thereof. [As Constable for the speciall ward belonging to Plymouth, viz^t from Jones river sowthward so far as any inhabite at p^rnt. As Jaylor to keepe such as shall be co^mitted. And either to execute such punishm^t as shall be inflicted by publick censure, or cause it to be done.] To giue warning of such mar-

riages as shall be approved by authority. To seale those measures & weight℥ [PART L]
that be allowed. & to measure out such lands as shall be ordered by the
Govern^{or} or Governm^t.


The fees allowed.

ffor comittment ij^s vj^d for releasement ij^s vi^d
ffor ordinary warning wthin his speč. Constablerick 6^d
ffor imprisonm^t 2sh^s 6^d p day
The halfe of all fines not exceeding 6sh^s
ffor giving notice of wedding℥ xij^d
ffor serving any execu^{cion} 2sh^s 6^d his ordinary fee ℥ 6^d in the £ extraord^y,
but if the place be far to goe then 2^d a mile.
ffor sealing of measures 4^d a peece.
ffor weight℥ 2^d
ffor measuring of land according to the distance & trouble of the same
& his paines therein not to be valued wth com^{on} labor but as a publick officer
that attend℥ the duties of his place.

*The Oath of the Messenger.

*32

You shall be truly loyall to our Sovereigne Lord the King his heires &
successors. You shall duly truly and faithfully waite uppon pforme & exe-
cute the Office of you are called unto, seeking by all due
meanes the welfare of the severall Colonies wthin this Governm^t of New
Plymouth: Attending such order, obeying such warrant℥, & doing such ser-
vice as the Governour for the time being or any his Assistant℥ shall require,
either in the behalfe of our Sov. Lord the King or between man & man as
the case requireth for the peace & tranquillity of the place. You shall to the
utmost of yo^r power safely keepe such prisoners as are comitted to yo^r cus-
or cause it to be done.

tody and inflict or execute such sentence as shall be awarded Also such 
weight℥ & measures as shall be brought unto you shall as neere as may be
make agreable wth the standard comitted to yo^r trust, and shall onely take
such fees as are allowed wthout fraud or oppression. You shall also faith-
fully duly & truly serue our Sover. Lord the K. in the Office of a Constable
in the ward of New Plymouth, wherein you shall see that his Ma^{ties} peace
comāded be not broken: but shall apprehend any that shall disturbe the
same, and bring him or them before the Go^vr or some one of the Assistant℥
for the time being, and there attend such order as shall be given. All w^{ch}

pmise to

you shall faithfully obserue & doe. So helpe you God who is the God of
truth & punisher of falsehood.

[PART I.]

[*33]

*A fforme to be placed before the Record℥ of the severall inheritanc℥ granted to all ℥ every the King℥ subject℥ inhabiting w^{thin} the Governm^t of new Plymouth.

WHEREAS John Carver Will. Bradford Edw. Wynslow William Brewster Isaack Allerton and divers others the subject℥ of our late Sov. Lord James by the grace of God King of Engl. Scotl. ffraunce ℥ Irel. Defendor of the ffaith ℥c. did in the eighteenth yeare of his raigne of Engl. ffraunce ℥ Ireland, and of Scotl. the fifty fowr w^{ch} was in the yeare of our Lord God 1620 undertake a voyage into that pt of America called Virginia or New Engl. thereunto adjoyning, there to erect a plantaçôn ℥ Colony of English, intending the glory of God, the inlargem^t of his Mäties dominions and the speciall good of the English Naçôn.

And whereas by the good providence of our gracious God the said John Carver Will^t Bradford Edward Wynslow William Brewster Isaack Allerton ℥ their Associat℥ arived in new England aforesaid in the harbour of Cape Cod or Paomet scituate ℥ being in new Engl. afore^{sd} where all the said psons entred into a Civill combinaçôn being the eleaventh of No^vb in the yeare afore mençoned as the subject℥ of our said Sov. Lord the King to become a Body-politick binding ourselues to obserue such lawes ℥ ordinanc℥ and obey such Officers as from time to time should be made ℥ chosen for our welordering ℥ guidance. And thereupon by the favor of the Almighty began the

*34 the first Colony in New Engl. (*there being then no other w^{thin} the said Continent) at a place called by the natiues Apaum ats Patuxet, but by the English New-Plymouth. All w^{ch} land℥ being void of Inhabitant℥, we the said John Carver Will^t Bradford Edward Wynslow William Brewster Isaack Allerton ℥ the rest our Associat℥ entring into a league of peace wth Massassowat since called Woosamequin Prince or Sachim of those pt℥, He the said Massassowat freely gaue them all the land℥ adjacent to them ℥ their heires for ever, acknowledging himselfe content to become the subject of our Sovereigne Lord the King aforesaid his heires ℥ Successors, And taking pteccôn of us the said John Carver William Bradford Edw Wynslow Will^t Brewster Isaack Allerton and their Associat℥ the naturall subject℥ of our Sov. Lord the King afore^{sd}. But having no speciall t^{hrs} Patent℥ for the said pt℥ of New Engl. but onely the generall leaue ℥ liking of his Ma^{tie} aforesaid for the free exercise of the leaue ℥ liberty of our Conscienc℥ in the publick worship ℥ service of God whereever we should settle: Being therefore now settled ℥ requiring speciall licence ℥ Comission from his Mätie for the ordering

our affaires under his gracious pteccōn had sundry Coṁmissions made & confirmed by his s̄d Māties Cowncell for New Engl. to John Peirce & his Associat^l (whose name we onely made use of & whose Associat^l we were) in the late happy & memorable raigne of our said Sovereigne Lord King James. But *finding our selues still streightned and a wil[lingnes] in the Honorable Cowncell aforesaid to enlarge us; pty in regard of the many difficulties we had undergone, and pty in regard of the good service we had done as well in relieving his Māties subject^l as otherwaies we procured a further enlargem^t under the name of Wilt Bradford aforesaid, & his Associat^l (whose name we likewise used & whose Associat^l as formerly we still are.) By vertue of w^{ch} lrs Patent^l liberty is given unto us derivatory from our Sov. Lord King Charles bearing date the thirteenth of January 1629 being the fift yeare of his raigne of Engl. Scotl. ffraunce & Irel. &c and signed by the right Hoñble Robt Earle of Warwick in the behalfe of the rest of his Maties s̄d Cowncell for New Engl. & sealed wth their Coṁon Seale allowed To frame & make Orders Ordnanc^l & Constituōns for the ordering disposing & governing of our psons, and distributing the lands wthin the said limit^l to be holden of his Mātie his heires & Successors as of his Mannor of East Greenw^{ch} in the Cownty of Kent in free & coṁon soccage & not in Capite nor by knight^l service, vīz^t. All that pt of New Engl. in America & tract & tract^l of land^l that lie wthin or between a certaine Rivolett or Rundlett there coṁonly called Coahasset aṽs Conahasset towards the North & the river coṁonly called Naragunset river toward^l the Sowth, and the great Western Ocean towards the East, & between & wthin a streight line directly extending up into the maine land towards *the West from the mouth of the said River called Naragunsett River to the utmost limit^l & bownd^l of a Cowntrey or place in New Engl. coṁonly called Pokenacutt aṽs Puckenakick aṽs Sawaamset Westward, and another like strait line extending it selfe directly from the mouth of the said River called Coahasset aṽs Conahasset toward^l the west so far up into the maine land westwards as the utmost limit^l of the said place or Countrey coṁonly called Pokenacutt aṽs Puckenakick aṽs Sawaamset doe extend together wth one halfe of the said River called Naragansett^l & the said Rivolet or rundlet called Coahasset aṽs Conahasset And all land^l Rivers waters havens creek^l port^l fishing^l fowling^l & all hereditam^l pfit^l Cōmodities & emolum^l whatsoever scituate lying & being or arising wthin or between the said limit^l & bownd^l or any of them. ffurthermore all that tract of land or pt of New Engl. or pt of America aforesaid w^{ch} lieth wthin or between & extendeth itselfe from the utmost limit^l of Cobbisecontee aṽs Comaseconte w^{ch} adjoyneth to the river of Kenebeke aṽs Kenebekike towars the western Ocean, & a

[PART I.]

*35

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[PART I.]

place called the falls, at Nequamkike in America aforesaid & the space of fifteen English miles on each side the said River commonly called Kenebeck River & all the said river called Kenebeck that lieth wthin the said limit & bownd Eastward Westward Northward or Sowthward last aboue mençoned,

*37 & all land & grownd & soyles Rivers waters fishing & hereditam^l & p^rfitt^l *whatsoever scituate lying & being, arising happening or accrewing or w^{ch} shall arise happen or accrew in or wthin the said limit & bownd or either of them, together wth free ingresse egresse & regresse wth ships boat & shallops & other vessels frō the Sea commonly called the westerne Ocean to the said River called Kenebeck & frō the said River to the said Westerne Ocean Together wth all prerogatiues right & Royalties Jurisdiccōns priuiledges ffranchises liberties & Immunities & also marine liberty wth the Escheat & Casualties thereof (the Admiralty Jurisdiccōn excepted) wth all the interest right title claime & demand whatsoever w^{ch} the said Cowncell & their Successors now haue or ought to haue or may haue & require heerafter in or to any the said porçōn or tract of land & heereby mençoned to be granted or any the premises in as free large ample & beneficiall manner to all intent & construccōns and purposes whatsoever as the said Cowncell by vertue of his Ma^{ties} said l^rs pattent & may or can grant. To haue & to hold the said tract & tract of land & all & singular the premises aboue mençoned to be granted wth their & every of their appurtenanc^l to the said William Bradford his heires associat^l & assignes for ever to the onely prop^r & absolute use & behoofe of the said Wilt Bradford his heires Associat^l & Assignes for ever. Yielding & paying unto our said Sov. Lord the King his heires & Successors for ever one fift pt of the Oare of the Mines of Gold & silver & one other fift pt thereof to the Prcsident & Cowncell

*38 w^{ch} shall be had possessed *and obtayned wthin the precinct aforesaid for all servic^l & demands whatsoever. allowing the s^d W. Bradford his Associat^l & assignes & every of them his & their ffactor^l agent^l tenant^l & serv^l And all such as he or they shall send & imploy about his s^d pticular plantaçōn shall & may frō time to time freely & lawfully goe & returne trade & traffick as well wth the English as any the natiues wthin the p^rcints aforesaid wth liberty of fishing upon any pt of the Sea Coast & Sea shores of any the Seas or Iland & adjacent & not being inhabited or otherwaies disposed of by order of the said president & Cowncell. fforbidding all others to traffick wth the natiues or inhabite any the said limit wthout the speciall leaue of the s^d W. Bradford his heires or Associat^l & allowing the said W. Bradford his heires & Associat^l to take apprehend seise & make prize of all such p^rsons their ships & good & as shall attempt to inhabite or trade wth the salvage people as afore s^d &c.

Moreover whereas in the first beginning of this Colony divers merch^l

& others of the City of London & elsewhere adventured divers sums of money [PART I.]
 wth the said John Carver Wilt Bradford Edw Wynslow William Brewster
 Isaack Allerton & the rest their Associat^l on certaine termes of ptnership
 to continue for the terme of seaven yeares. The s^d terme being expired,
 The Planta^on by reason of the manifold losses & crosses by Sea & land in the
 beginning of so great a worke being largely indebted, & no meanes to pay
 the said debt^l but by the sale of the whole: And the same being put to sale,
 We the said *Wilt Bradford Edw. Wynslow, Wilt B[rewster] Isaack Allerton *39
 & other our Associat^l the Inhabitants of New Plymouth & elsewhere being
 loath to be deprived of our labors bought the same for & in considera^on
 of eighteen hundred pown^d & starling v^{iz}t all & singular the priviledges land^l
 good^l building^l Chattels Ordnance muni^on or whatsoever apptayned to the
 said planta^on or the adventurers wth all & singular the priviledg^l thereunto
 belonging as appeareth by a deed between the said Isaack Allerton then
 agent for the said Wilt Bradford & his Associat^l on the one pt, and John
 Pocock Robt Keyne Edward Basse James Sherley & Joh. Beauchamp on the
 other pt being thereunto deputed by the said merchant^l & the rest adven-
 turing as aforesaid as appeareth by a deed bearing date the sixt of November
 in the third yeare of the raigne of our Sov. Lord Charles by the grace of God
 King of Engl. Scotl. ffance & Irel. &c. Anno Dom. 1627. Be it knowne
 therefore unto all men by these p^{ri}nts That according to our first intent^l for
 the better effecting the glory of God, the enlargem^t of the dominions of our
 said Sov. Lord the King, and the speciall good of his Subject^l, by vertue as
 well of our Combina^on aforesaid as also the severall grant^l by us procured
 in the names of Joh. Peirce and Wilt Bradford their heires & Associat^l,
 together wth our lawfull right in respect of vacancy dona^on or purchase of
 the natiues, and our full purchase of the Adventurers before expressed, haue
 given unto allotted assigned & granted to all & every pson & psons whose
 name or names shall follow upon this publick Record such propor^on or pro-
 por^ons of grownd^l wth all & singular the priviledges ther[eunto] *belonging *40
 as aforesaid to him or them his or their heires & Assignes successively for ever
 to be holden of his Ma^{tie} of Engl. his heires & successors as of his Mannor
 of East Greenw^{ch} in the Cownty of Kent in free & co^mon Soccage & not in
 Capite nor by Knight^l service. Yielding & paying to our said Sov. Lord the
 King his heires & Successors for ever one fift pt of the Oare of the Mines of
 Gold & silver & one other fift pt to the President & Cowncell w^{ch} shall be had
 possessed and obtayned as aforesaid. And whatsoever land^l are granted to
 any by the said Wilt Bradford, Edw Wynslow Wilt Brewster Isaack All-
 erton & their heires & associat^l as aforesaid being acknowledged in publick Court

[PART I.] ^{nto}
 { ~~upon~~ } ~~ℓ brought~~ this booke of Record of the severall inheritancℓ of the subjectℓ of our Sov. L. the King wthin this Governm^t. It shall be lawfull for the Go^vr of New Plymouth aforesd from time to time successiueℓy to giue under the Co^mon Seale of the Governm^t a Coppy of the said Grant so recorded. Confirming the sd landℓ to him or them his or their heires ℓ Assignes for ever wth the severall bowndℓ ℓ limitℓ of the same. W^{ch} shall be sufficient Evidence in law from time to time ℓ at all times for the sd ptie or pties his or their heires or Assignes To haue ℓ to hold the said por^{cion} of land so granted bownded ℓ recorded as aforesaid wth all ℓ singular the appurtenancℓ thereunto belonging to the onely prop ℓ absolute use ℓ behoofe of the said ptie or pties his or their heires ℓ Assignes for ever.

*41 *Not to_u found.

*43 *A fforme of Evidence for the pticular hold of landℓ
 wthin the Governm^t of New Plym.

Be it knowne unto all men by these p^{rint}ℓ That such a por^{cion} of land, bownded so ℓ so, and contayning so many Acres was granted ℓ in publick Court confirmed by Will^m Bradford ℓ his Associatℓ holden at new Plym: the 3^d of Jan. in the 12th yeare of the raigne of our Sov. L. Charles by the grace of God King of Engl. Scotl. ffr. ℓ Irel. ℓc to A. B. his heires ℓ Assignes for ever: The said landℓ to be holden of his Ma^{ty} ℓ his Successors as of his Mannor of East Greenw^{ch} in the Cownty of Kent in free ℓ co^mon Soccage ℓ not in Capite. To haue ℓ to hold the said landℓ ℓ all ℓ singular the appurtenancℓ thereunto belonging to the said A B his heires ℓ Assignes for ever. Yielding ℓ paying to our said Sov. Lord the King his heires ℓ Successors for ever one fift pt of the Oare of the Mines of Gold ℓ silver, ℓ one other fift pt thereof to the President ℓ Cowncell w^{ch} shall be had possessed ℓ obtayned wthin the precinctℓ or limitℓ of his said bowndℓ before expressed for all services ℓ demandℓ whatsoever. In witnes whereof I E W Governo^r of New Plym. aforesaid for our Sov. L. the King this p^{rint} yeare of our Lord 1636. by vertue of the power co^mitted to me haue signed this deed declaring it to be full absolute ℓ sufficient evidence to the said A B his heires and assignes for ever for the hold of the landℓ aboue men^{cioned} wth all ℓ singular the appur^{tes} *thereunto belonging in as full ℓ ample manner as may be yielding and paying as aforesaid And for further confirmacon haue signed this deed ℓ put to our Co^mon Seale of Governm^t the tenth of ffebr. _u in the said 12th yeare of the raigne of our Sov. Lord Charles by the grace of God K of Engl. Scotl. ffr. ℓ Irel. ℓc.

p me E W G^r.

*At the geſſall Court held at New Plymouth the 3^d of January 1636 in the xijth yeare of the Raigne of o^r Souaigne Lord Charles by the grace of God of England &c. Kinge defendor of the fayth &c. before Edward Winslowe gent Gouⁿour W^m Bradford Thomas Prynce John Alden Steeven Hopkins W^m Collyer Tymothy Hatherley and John Browne Gentl^e Assistants &c.

[PART I.]

*45

WHERAS M^r Hatherley in the behalf of the Church of Scituate informed this Court That the place (for ought they can yet discern) is too streate for them to reside comfortably vpon and that the lands adjacent are very Stony and not convenient to plant vpon whereby they are disabled to receiue any moore neighbours for their more comfortable societie. It is therefore consented vnto and agreed vpon by the Court That the said Inhabitant^l of Scituate shall haue libertie to seeke out a convenient place for their resideing wthin the Colony, and to giue notice thereof to the Gouⁿour and Assistant^l that they may cause the same to be veiued, and if the same shalbe thought conuenient then to be graunted vnto them, vnlesse there shalbe some other lands found fitt to be layd to them for their moore comfortable subsistance at Scituate.

Scituate, a plantation.

It is also ordered by tne Court that the Cutt at Greenes Harbör for a boate passage shalbe made eightene foote wide and sixe foote deepe. And for the manner how the same shalbe donn for the better ordering thereof it is referred to the Gouern^r and Assistant^l wth the help of John Winslowe Jonathan Brewster John Barnes & Christopher Waddesworth aswell to pportion euery man equally to the charge thereof as also to order men that shall worke thereat, that tenn men may worke together there at once, and that the Gouⁿor or whom he shall appoynt shall ouersee the same that it may be well pformed.

The Cutt at Marshfield to be enlarged.

It is also ordered & enacted by the Court that the Inhabitant^l of New Plymouth shall haue liberty to meete together to make orders for the herdinge of their Cattle & such other thinges as shalbe needfull for their moore neighbourly liueing together.

Plymouth to make orders.

*It is ordered by the Court That the Corne of John Jenney Thomas Willet & Georg Watson seized by the Gouⁿor to the vse of the Collony by vertue of a form^e lawe: shalbe referred to the Bench to deale therein as they shall see cause.

*46

It is ordered by the Court That M^r Collyer M^r Hopkins M^r Browne M^r

Treaty aboute the trade.

[PART I.] Done John Jenney Jonathan Brewster John Winslowe & Thomas Willett shall treate wth those that haue the trade in theire hand℥ & to p^rpare such conclusions conċerning the same That the Court being made acquainted therewth and approueing thereof may conclude the same wth them.

At the Gefnall Court held the vijth March 1636
M^r Bradford Goſn^r.

Shooting in
night.

Approved.

IT is concluded vpon by the Court that if any shall shoote of a peece at any fowle or otherwise in the night tyme betwixt day light and day light shall forfeite twenty shillings for euery shott to be payd to the Treasurer to the use of the Collony, except he shoote at a Woolfe, or for the fyndinge of some man lost.

Allarum.

Approved.

It is also concluded vpon by the Court That three peeccs shott of distinctly one after another shalbe for an allarum. And two peece℥ to giue warning of some howse on fier.

Mill at
Plimouth.
*47

*It is concluded vpon by the Court That M^r John Jenney shall haue liberty to erect a Milne for grinding and beating of Corne vpon the brooke of Plymouth to be to him & his heires for euer. And shall haue a pottle of Corne toule vpon euery bushell for grinding the same for the space of the two first yeares next after the said Milne is erected, and afterward℥ but a quart at a bushell for all that is brought to the milne by others, but if he fetch it & grind it himself or by his servant℥ then to haue a pottle toule for euery bushell as before.

Ladders.

Approved.

fforasmuch as great Losses haue heretofore happened by fyer whereby men haue had their houses and goods wthin the same vtterly consumed, w^{ch} might haue beene p^rvented in some good measure if Ladders could haue beene had neere hand. It is therefore enacted by the Court That euery housholder wthin this Colony & goſment shall haue one sufficient ladder or ladders at least about his house w^{ch} will reach y^e top vpon penalty of euery such default to forfeite tenn shillings to be leavyed to the use of the Governm^t.

Inhabitants of
Plimouth.
Approved.

It is enacted by the Court That noe pson or psons hereafter shalbe admitted to liue and inhabite wthin the Goſment of New Plymouth wthout the leaue and liking of the Goſn^r or two of the Assistant℥ at least.

It is enacted by the Court That there shalbe a watch of foure men hyred to keepe watch at New Plymouth at the Publick charge for the safety of the person of the Gou^r And the Towne of New Plymouth to add more men vnto them to strenghen them as need shall require.

[PART I.]

Watch for y^e
safety of Gov-
ern^r.

*At the genall Court the second of Octobr: 1637.

*48

IT is enacted by the Court that sixscore and twelue fishes shalbe accounted to the hundred of all sort^e of fishes.

Approved.

It is enacted by the Court That all Swine wthin these Colonies shalbe sufficiently ringed after they shalbe tenn weeks old, and if that any shalbe complayned of to be vnruely, that then they be yeoked vpon the penalty of six pence for euery swine that shalbe found vnringed and not presently ringed vpon warneing giuen thereof, and this to be donn by the first of Nouember next.

Taunton began
here to be ad-
ded to this
booke.
June 5th 1638.

It is enacted by the Court That no householder wthin this Gou^rment shall take any servant comeing out of his tyme or other servant (that is not of manuell trade) into partnership wth him vpon penallty to forfeite five pound^e ster^t for euery such default, except he shalbe allowed by the Gou^r & Assist- ant^e so to doe, And that all contract^e for servant^e for any tyme shalbe recorded before the Gou^r or some one of the Assistants, & the Clarke to haue foure pence for his paynee And that none shall hire a servant vnder half a yeare.

The act about fireing wood^e was altered this Court.

Whereas there is a great abuse in takeing of Tobaccocoe in very vnciuill manner openly in the Towne streets and as men passe vpon the heigh wayes as also in the feild^e and as men are at worke in the woods & feilds to the neglect of their labours and to the great reproach of this Gou^rment It is therefore enacted by the Court That if any shalbe found or seene takeing Tobaccocoe in the streets of any Towne wthin the Colonys of this Gou^rment or in any barne or outhouse or by the heigh wayes & not aboue a mile from a dwelling house or at his worke in the feilds where hee doth not dyne or eate his meate That euery such pson or psons so offending shall forthwth pay xij^d for euery such offence as oft as he or they shall so offend, and ^{he} shalbe lawfull vpon informacōn for the Constable of the Towneship or next to the place where such offence shalbe committed to distrayne his goods for yt if he refuse to pay it vpon demand, And for Boyes and servant^e that shall offend

Septemb^r 4th
1638.

[PART I.]

herein (℥ haue nothing ~~to~~ pay) to be set in the ~~stocks~~ for the first default and for the second to be whipt.

App^{ro}ved.firing of
woods.

Whereas many haue sustayned great damage by the indiscreet firing of the woods, It is by this p^{re}sente order forbidden to any to set fyre on them except betweene the first day of the month of february and the middest of the month of Aprill And that whatsoe^u damage cometh to any by the breach of this order in firing the woods otherwise to be made good by the delinquent and whensoe^u any are justly occationed to fyre the same they shall giue warneing to the neighbours aboute them and If any p^{er}son fire y^e woods y^e hath noe iust cause so to doe he shall forfeite x^s to y^e countries vse or be whipt.

Septemb^r 4th
1638.North fferry.
*49

*Whereas there is greate need of a fferry boat to be erected to transport men and cattell ouer the North Riuer many complaineing of the want thereof and such as passed that way were at great charge ℥ put to many inconveniences for want thereof ffor the redressing whereof It is enacted by the Court That there shalbe xij^d for euery famly levyed throughout the Gou^{er}nment toward℥ the charges of the building of two vessells or boat℥ for the transportation of men and cattell ouer the said Riuer at the now passage place And that M^r Jonathan Brewster shall haue the keepeing and the p^{ro}fit℥ of the said fferry to haue and to hold to him and his heires foreuer, and shall build and from tyme to tyme mayntaine two sufficient boat℥ or vessells one for the carrying of men and another for carrying of cattell o^u the said North Riuer wth a sufficient man or two to attend them And shall haue these rates for the first yeare viz^t for a man ij^d for a horse and his rider vj^d for a beast vj^d for swine and goates ij^d a peece. And after the first yeare for a man ij^d for a horse ℥ his rider vj^d for a beast iiij^d and for a goate or swine j^d of all men of wth plantacōn soe^u.

Septemb^r 1638.
Bridges.

Whereas there is great necessity of a bridg ouer the South Riuer another ouer Joanes Riuer and another ouer the Eele Riuer It is enacted by the Court That the Inhabitants of Scituate shall build a bridg ouer the South Riuer and that the Inhabitant℥ of Sandweech and Mattacheese or Yarmouth shall build a bridg ouer the Eele Riuer and the Inhab^{ant}℥ of the Townships of Plymouth and Duxborrow shall build a bridg ouer Joanes Riuer All w^{ch} said bridges to be made passable for horsemen and footemen. and that there be a fferry boate kept in the interim to carry men ouer Joanes Riuer especially at the Court tymes or other speciall occations.

*Whereas there is greate abuse complained of by buying and regratinge goods and commodities w^{ch} come in boates & vessels to be sould in diuers places w^{thin} this Gouerment and selling the same againe in the same townes & markett to the disapoynting of the necessyties of many and oppressing them in the price when their necessyties do constraine them to buy them at any price. It is enacted by the Court That none shall so buy any goods or comōdyties comeing to be sould at any Towne w^{thin} this Gofūment by land or water to engrosse them into their hands to thend the price may be enhaunced by selling them againe in the same towne or markett, (except he buy by whole sale to retayle the same againe at reasonable gaine the abuse to be enquired of by the Grand enqueste, & vpon their p'sentm^{nt} to be censured by the discretion of the Bench.

[PART I.]

Septbr 4: 1638.

*50

Whereas diuers psons are come to dwell in sefall plantacons w^{thin} this goūment w^{thout} leaue of the Gouer^{nt} or takinge the Oath of fidelitie contrary to the act of this Court and because there are not majestrat dwelling in such plac to exhibite the said Oath vnto them It is therefore enacted by the Court That such of the Assistant as the Goū^{nt} shall think fitt shalbe especially assigned to repaire to such plac and to require the said Oath of them and for such as shall refuse to take yt That they be appoynted to repaire to the Court at Plymouth: And that such as shalbe appoynted to be ymployed herein or in any other publike businesse haue their charges borne by the Publike.

Decembr 4th
1638.Oath of fidelity
administered
by some mag-
istrate.

Whereas diuers psons vnfit for marriage both in regard of their yeong Marriage. yeares as also in regard of their weake estate, some practising the enveagle- confirmed. ing of mens daughters & maids vnder gardians (contrary to their pent & gardians likeing) and of mayde servants w^{thout} leaue and likeing of their masters It is therefore enacted by the Court That if any shall make any motion of marriage to any mans daughter or mayde servant not haueing first obtayned leaue and consent of the pent or master so to doe shalbe punished either by fine or corporall punishment or both, at the discretion of the bench & according to the nature of the offence.

It is also enacted that if a motion of marriage be duly made to the master and through any sinister end or couetous desire hee will not consent therevnto Then the cause to be made knowne vnto the Majestrat and they to set downe such order therein as vpon examinacon of the case shall appeare to be most equell on both pts.

confirmed.

[PART I.]

Millners &
tolle.

confirmd.

*51

*It is enacted by the Court That the Milner of Scituate shall not take aboute the sixteenth part of a bushell for grinding such Corne as is brought vnto the Milne. And whereas there are diuers other Milnes wthin this Colony who are allowed competent toule for grinding and do not grind Corne as they ought to doe It is enacted by the Court that such millners shall either grind their Corne sufficiently or els that vpon complaint to the Court thereof and the thing prooued the miller shall pay for euery such defalt vj^d for euery bushell to the pty greeued and vj^d to the Treasurer for the collonies use.

Repealed the
Septemb^r
Court 1639.

~~It is enacted by the Court according to the forme act^e of this Court concerning labourers wages That a labourer shall haue xij^d a day & his dyett or xvij^d a day wthout dyett & not aboute throughout the gofment.~~

q^r
Swine.

It is enacted by the Court That Swyne may be vnringed from the first Tewsdays in December to the first Tewsdays in March following notwithstanding the forme ordinance to the contrary.

Transportinge
psons into
Patent.

confirmd.

It is enacted by the Court That if any master of a Boate shall bring any passengers or suffer any to be brought in his Boate into any plantacon wthin the Gofment, (and not haue leaue so to doe either from the Gofment or Committees of the place) shall keepe them whilst they stay and recarry them and their goods to the place from whence they came.

Dyettinge in
Ordinaries.

confirmd.

fforasmuch as greate inconvenienc^e haue been occasioned by yeong men and other labourers that haue dyeted in Inns and Alehouses especially who haue had other houses to repaire vnto in the same Towne It is therefore enacted by the Court That none shall dyett in Inns or Alehouses nor haunt them w^{ch} are in the Townes they liue in nor make them the ordinary place of their abode.

March 5th
1638.

*52

confirmd.

*Concerning the fferryman at the North riuer It is ordered & concluded vpon by the Court That if hee shall carry onely one man both off the North and South Riuer hee shall haue foure pence, but if there be moore then one to set ouer then hee shall haue but two pence a peece for as many as he cann carry at once, and likewise that he shall haue ij a pson for e^{ch} for carrying them ouer the north riuer.

Who to exer-
cise Armes.

Concerning such as are allowed to exercise men in Armes in the sefall Townes wthin this gouernment the Court doth order as followth.

That Mr William Vassell & W^m Hatch shall exercise the Inhabitant℥ of Scituate in their Armes. [PART I.]

That Captaine Poole shall exercise the Inhabitants of Cohannett in their Armes.

That Captaine Standish shalbe for Plymouth.

ffor Duxborrow	-	-	Leiftennant Holmes
ffor Sandwich	-	-	John Blakemore
ffor Yarmouth	-	-	Wilt ^m Palmer
ffor Barnestable	-	-	Mr Thos ^m Dimmack
ffor Marshfeld	-	-	Mr Nathaniell Thomas.

It is enacted by the Court that there shalbe as many of the Inhabitant℥ of Scituate in number w^{ch} are not ffreemen added to the ffreemen there ffor ordering and concluding the Townes affaire for fenceing of ground℥ hearding of Cattle and such like occations, or els the whole Towne to meete together to doe it.

*Whereas complaint was made that the ffreemen were put to many inconveniencies and great expences by their continuall attendance at the Court℥ It is therefore enacted by the Court for the ease of the sefall Colonies and Townes w^{thin} the Gosfment That euery Towne shall make choyce of two of their ffreemen and the Towne of Plymouth of foure to be Committees or Deputies to joyne wth the Bench to enact and make all such lawes and ordinances as shalbe judged to be good and wholesome for the whole Prouided that the lawes they doe enact shalbe ppounded one Court to be considered vpon vntill the next Court, and then to be confirmed if they shalbe approoued of (except the case require p^rsent confirma^{ti}on) And ℥ if any act shalbe confirmed by the Bench and Committees w^{ch} vpon further delibera^{ti}on shall proue p^rjudiciall to the whole That the ffreemen at the next elec^{ti}on Court after meeting together may repeale the same and enact any other vsefull for the whole And that euery Towneship shall beare their Committees charges and that such as are not ffreemen but haue taken the Oath of fidelitie and are masters of famylies and Inhabitant℥ of the said Townes as they are to beare their pt in the charges of their Committees so to haue a vote in the choyce of them. p^rvided they choose them onely of the ffreemen of the said Towne whereof they are: but if any such Co^mmittees shalbe insufficient or troublesome that then the Bench and thother Comittees may dismisse them and the Towne to choose other ffree^m in their place.

March 5th 1638.

*53

Towne Deputies.

[PART I.]

*M^r B[r]adford Gou^r

*54

At the genall Court held the 4th June 1639.

d IT is enacted by the Court That if any man shall sell or lend any kynd of guns peeces or pistolls or any shott leade or powder to any Indian hee shalbe punished for yt at the discretion of the Bench.

q^r It is enacted by the Court That euery housholder wthin the Gofment shall sowe one Rodd of ground square at least wth hemp or flax yearly and some one in euery Towne to bee appoynted to see the same donn and p^rsent it to the Court in June yearly.

Markett℥ ℥ fayres.

confirmed
3^d Septemb^r
1639.
Approved.

It is enacted by the Court that there shalbe a markett kept at Plymouth euery Thursday and a faire yearly the last Wensday in May ℥ to continue two dayes and a faire at Duxborrow the first Wensday in October yearly ℥ to continue two dayes for all cattell ℥ comodyties.

Sept. 3 1639.
Idlences.

Approved.

ffor the p^rventing of Idlenesse and other euells occationed thereby It is enacted by the Court That the Grand Jury men of euery Towne shall haue power wthin their sefall Towneshippes to take a speciall view and notice of all manner of p^rsons marryed or single dwelling wthin their sefall Townes that haue smale meanes to mayntaine them and are suspected to liue idly ℥ loosely ℥ to require an account of them how they liue, And such as they fynd delinquent and cannot giue a good account thereof vnto them that they cause the Constable to bring them before the Gofin^r and Assistant℥ at Plymouth the first Court of Assistant℥ after such delinquent℥ shalbe found out. That such course may be taken wth them as in the wisdom of the Gofment shalbe adjudged just and equall.

Townes to
make orders.
*55

Allowed.

*It is also enacted and concluded by the Court That all the Towneshippes wthin this Governm^t allowed or to be allowed shall haue liberty to meete together and to make such Towne orders as shalbe needfull and requisite for the hearing of cattell and doing such other things as shalbe needfull for the mayntenance of good neighbourhood, and to set penalties vpon delinquent℥ Prouided that their orders be not repugnant nor infringing any publike act℥ And that the fines and penalties shalbe disposed of afterwards to their pticuler Townes p^rouided also that the fyne℥ exceed not the sum of tenn shillings for any one fyne.

It is also enacted that the Trade shalbe continued in m^r Bradford & his ptners hande during the terme w^{ch} is till Novemb^r come twelue months and that m^r Bradford shall haue y^e 80^u waight of beauer giuen the Colony for the first yeares pfitt for xxxv^u sterl. [PART I.]

Acte considered vpon this Court

That there be fourty pounde yearly equally levyed by the Townes w^{thin} the Goument to be allowed the Gou^r for the tyme beinge towarde the defraying of the charge of the place and to be encreased hereafter as need shall require. referred to the next Court.

That the Committees shall conferr wth the ffreemen & giue in the next Court how the lande shalbe disposed of whether as before or by any other way.

*Acte made and confirmed at the genall Court the 3^d March 1639.

*56

THAT no servant comeing out of England or elsewhere and is to serue a master for some tyme be admitted his freedome or to be for himself vntill he haue serued forth his tyme either wth his master or some other although hee shall buy out his tyme, except he haue beene a house keeper or master of a famly or meete & fitt to bee so. Serv^{ts} cominge out of Engl. Approved.

That no man shall giue, trade, truck or exchaunge directly or indirectly wth the Natiues or Indians (other then English mens seruent^e) to giue or pay him any money Gould or siluer for the same vpon the penalty to forfeite twenty for one by him or her that shall so doe. Trading Guns & powder &c. wth natiues. confirmed.

The like penalty also vpon any that shall giue trade truck or exchaung wth the Natiues for any kynd of millitary Armes as Guns of any leng^h or sort whatsoe^r or any shott lead bulletts or powder or sword^e daggers or rapiers or mend or repaire any kynd of peece for them or armes to forfeite twenty for one. confirmed.

That the constables That liue remote hence in the further plantacones shalbe freed from attendance at the genall Court after they are sworne except there be speciall cause and that if the Constable of any Towne doe goe from hoame he shall depute some other man in his roome vntill his returne provided it bee such pson as hath borne the same place & for default to forfeit ten shillings. Constables & y^e deputies. Confirmed.

That whosoef^r shall pphanely sweare or curse by the name of God or any of his titles Attributes word or workes vpon prooffe thereof made by sutable swearing & cursing. Confirmed.

[PART I.]

ficient testimony or confession of the party he shall pay for euery such default xij^d or be set in the stocks so it exceed not the space of three howers or putt in prison according to the nature & quallity of the pson.

Thus far the Majestr. & deputies accorded.

20th to the Go^{vt}-
nore.

Whereas in regard that the Go^{vt}ment hath often fallne vpon one & the same pson w^{ch} hath beene very burdensome vnto him and an impouerishing of his estate The Court doth therefore enacte & conclude that the twenty pound^l for this yeares benefitt of the trade shalbe payd to the Go^{vt} toward^l his charg^l in sustayneing the place and that the Townes wthin the Go^{vt}ment shall add therevnto what euery man shall think meete & conuenient & pay it to the Tresurer for his vse.

Comission to
M^r Bradford &
M^r Winslowe.

That the Commission directed to M^r Bradford & M^r Winslow for the setting of the bound^l betwixt the Two patent^l of Plymouth & Mattachusett^l Bay be renewed for six months.

That Cohannett shalbe called Taunton.

Repealed.
*57

*That two sufficient men one of Yarmouth & another of Barnestable be yearly chosen & nominated against the next Court to be joynd wth M^r ffreeman of Sandwich to heare and determine suit^l and contro^lsies betwixt pty & pty wthin the townships not exceeding three pounds.

Herringe
weares.

It is enacted by the Court That A hering ware to take fish shalbe erected at Joanes Riuer and that such as will put in their stock or mony at the first for the erecting of the same shall haue an answerable ppor^on of gaine & if it proue p^rjudiciall to the generall, that then vpon payment of the charges to be pulled downe.

The like liberty vpon the like condi^ons are graunted to erect wares to take fish At Mortons hole Blewfish Riuer Eagles Nest Greens harbour & the Eele Riuer or any other Creeke.

390th to y^e
Purchasers.

Whereas vpon a pposi^on made by the Grand Inquest at the geⁿall Court held the fift day of March 1638 by what vertue & power the Go^{vt} and Assistant^l do giue & dispose of lands either to pticuler psons or Towneshippes and Planta^ons wherevpon e^u since there hath beene a Cessa^on of the graunt of lands to any psons by the Go^{vt}nt: And now vpon heareing and debateing the controuersies matters and differenc^l about & con^oning the same in the Publike Court And whereas there was a larg su^me of money disbursed

by those that held the trade viz^s M^r Bradford M^r Prence Captaine Standish [PART I.]
 & the rest of their ptners for the enlargment of the Patent of New Plymouth
 in New England, In consideration that all controuersies & differenc^e about the
 same may hereafter cease and determine, whether betwixt the Purchasers, old
 Commers, ffreemen, or others about the same. The Court hath by mutuall
 assent & consent of all as well purchasers Old Comers as ffreemen enacted &
 concluded that there shalbe three hundred pounds ster^t (or so much as
 shalbe required not exceeding the said sume of three hundred pound^e) payd
 to those that held the trade viz^s M^r Bradford M^r Prence Cap^t Standish and
 the rest of the ptners towards the charges of the enlargement of the said
 Patent if the same shalbe required out of the psonall estat^e of the said M^r
 Bradford M^r Prence Cap^t Standish & the rest of the ptners w^{ch} said three
 hundred pounds or lesser sume shalbe levyed vpon the plantacoⁿs by such
 equall way as shalbe thought meete. And that they Purchasers or old Com-
 ers shall make choyce of two or three places for themselues & their heires
 before the next December Court & that after such choyce made and established
 All the residue of the land^e not formly graunted forth either to plantacoⁿs or
 pticuler psons shalbe assigned & surrendred into the hands of the whole Body
 of the ffreemen to be disposed of either by the whole Body or by such psons
 as shalbe by the whole Body of ffreemen assigned & authorised And that
 all lands already graunted either to plantacoⁿs or pticuler psons shall stand
 & remayne firme to them their heires & assignes for euer to whom they are so
 giuen & graunted Prouided that all lands shalbe now free to graunt to such
 psons as stand in neede in the Plantacoⁿs now made saue that there shalbe
 no more Plantacoⁿs erected vntill the Purchasers haue made their choyce
 as afores^d. And *whatsoever shalbe further materiall & requisite in law for
 the confirmeing & establishing this act and order It shalbe donn by Counsell
 to the intents & purposes herein contained & expressed if neede require. *58

It is also enacted by the whole Body of the Court That the Go^vr and
 Assistant^e shall graunt lands to pticuler psons w^{ch} in the Townes of Ply-
 mouth & Duxborrow as they haue donn formly vntill December next.

It is enacted by the Court That the Prison shalbe erected at Plymouth. Prisone.

It is enacted by the Court That the Messenger shall haue thirty bushells
 of Corne for the yeare past and thirty bushells for the yeares comeing & to be
 levyed vpon the whole Gofment.

It is also enacted & concluded by the Court That Nathaniell Sowther
 shalbe Clarke of the Court and shall haue thirty pounds p anⁿ, besides his

[PART I.] other fees from this tyme forward to be payd him quarterly by the Tresurer
levying it vpon the whole Collonies.

Towneships
power con-
firmd.

55

to be con-
firmd.

Whereas the Towneships wthin this Gofiment haue formly had liberty to meete together and make some Towne Orders w^{ch} are thought to bee defectiue for that they conceiued they had not power to make Assesment^l rates & taxes for raiseing such necessary expenc^l as shalbe disbursed about the geⁿall occations of the Townes conⁿing the Co^mon wealth It is enacted by the Court That euery Towneship shall haue liberty to meete together and make levyes rates & taxes for their townes charges & to distraine such as shall refuse to pay the same vpon warrant from the Court or Gouvernor.

Bounds of Townships by M^{rs}

stand.

It is also enacted by the Court That the Gofin^r and Assistants shall appoynt and set forth the bounds of Towneshippes as formly they haue donn.

Acts made & confirmed [^] the Geⁿ Court the 1st Septemb^r 1640.

Constables to
warne meet-
ings.

stand.

THAT the Constables of euery Towne wthin the Gofin^t shall warne the townes men whereof they are to come together as they doe for other townes businesse when the Committees shall think it fitt, aswell to acquaint them with what is p^pounded or enacted at the Court, as to receiue instruc^ons for any other busines they would haue donne.

vnseasonable
taking of To-
bacco.

Stand.

That if any pson or psons take tobaccoe whilst they are empanelled vpon a Jurie to forfait fise shillinges for euery default except they haue giuen vp their verdict, or are not to giue yt vntill the next day or dept the Court by consent.

Trayned who.
stand.

*59

*That the Inhabits of euery Towne wthin the Gouerment fitt & able to beare armes be trayned (at least) six tymes in the yeare.

repealed.

That all such pson and psons as haue sowed any hempe or flaxe accord- ing to the form^l act of the Court, shall not waste the same but shall dresse the said hemp or flax or p^cure it to be dressed fitt for some good use and p^rserue the seed: And the Co^mittees of the seⁿall Townes shall see the same so donn the week before the elec^on Court and to make report thereof to the Court. Vpon penalty of fise shillings to be forfeited to the Colonys use for euery Delinquent therein.

At the geñall Court held the 2^d March 1640. xv^{to} Cañt Rē.

[PART I.]

IT is enacted by the Court That Greens Harbour shalbe a Towneship and haue all the priueledges of a Towneship that other Townes haue and that it shalbe called by the name of Rexhame. but now Marshfeild. Greens harbo^r plantation.

It is enacted by the Court That no p^rsentment hereafter shalbe exhibited to the Grand Inquest to be brought to the Bench except it be donn vpon oath, and that it shalbe lawfull for any of the Assistants to minister an Oath in such a case. This act is transfered to the other act w^{ch} concerns this.

Stand.

At the geñall Court held the 7th Septb^r 1641.

IT is enacted that the Clarke shall haue xx^s p añ. besidē his other fees and that M^r Willm Paddy shalbe the Treasurer this yeare and shall pay the Clarke his xx^s and giue an account of his receiptē and payments at the election Court. Chr. 20^s p Anñ.

The Rates of the Townes for publicke chargē of y^e officers

Plymouth	-	-	-	-	05. 00. 00	}
Duxborrow	-	-	-	-	03. 00. 00	
Scituate	-	-	-	-	04. 00. 00	
Sandwich	-	-	-	-	03. 00. 00	
Taunton	-	-	-	-	02. 10. 00	
Barnestable	-	-	-	-	02. 10. 00	
Yarmouth	-	-	-	-	02. 10. 00	
Rexhame	}	-	-	-	-	}
Marshfeild		-	-	-	02. 10. 00	

25. 00. 00.

*It is enacted That if any man shall fynd a Mine of gould siluer leade tinn bras copper or coale that shall proue to be of value or worth, shall haue five pounds for his paynes to be payd in this manner, viz^t. If it be found in a mans pticuler ground then he to pay it, if in the landē of a Towneship then the towne to pay it, and if it be on the generall Coñmons then to be payd by the whole gouerment And ē if it happen that he that fynds yt or the towne where it is found shall neglect to worke it by the space of a whole yeare next after it is found. Then it shalbe lawfull for the gouerment to appoynt any other man to work it for his owne benefitt. Mynes. *60

That the Courts of Assistantē are to be kept hereafter euery first Tewsday in the month except at the geñall Courtē and then to be kept the day before. This is altered.

vijth Decemb^r 1641. It is enacted That those that haue releefe from the Townes & haue children and doe not ymploy them That then it shalbe lawfull for the Towneshipp to take order that those children shalbe put to worke in fitting ymployment according to their strength and abillities. or placed out by the Townes.

Townes provision of powder. stand. That euery Towneshipp in the gouernment shall prouide a barrell of powder and leade or bulletts answerable, to be kept by some trusty man or men in euery towne that it may be ready for defence in tyme of neede & danger.

we thinke meet to be repealed. That all waights and measures in euery towne w^{thin} the gouernment be made equall by one therevnto especially appoynted And that a bushell a half bushell a peck and a half peck be p^{ro}vided to be made by the Bay standard and that the Grand Jurymen of euery Towne do assist Josuah Pratt in makeing all measures euen accordingly and these to be donn by thend of March next.

*61 *The first March 1641.

stand. It is enacted That Scituate shall haue two Constables yearely.

~~It is enacted That no forraigne Tobaccocoe be bought and sould to be taken in the Gouernment but such as is planted in the Gouernment after the first of January next (except what is bought & sold to and from forraigne place.~~

This act was repealed March 1642.

this act stands confirmed. It is enacted That euery Towneshipp w^{thin} this Gouernment do carry a competent number of peece ffix & compleate wth powder shott & sword euery Lords day to the meetings and one of a house from the first of September to the middle of November except there be some just & lawfull impedyment.

The vijth of Septembr 1642.

Wolff traps. meet to be repealed or better ordred. It is enacted by the Court that all the Townes w^{thin} the Gouernment shall make wolfe trapps and bayte them and looke vnto them dayly vpon the penalty of x^s a trap that shalbe neglected. the number that eich Towne is to make is as followeth.

Plymouth fve Duxborrow fve Scituate foure Sandwich three Taunton two Barnestable three Yarmouth three & Marshfeild two.

That M^r Nathaniell Thomas shalbe allowed to exercise men in armes for the Towne of Marshfeild.

Military officers Power. q^r It is enacted &c That those that are appoynted in euery Towne to exercise men in armes shall haue power to set a fyne on such as shall absent themselues vpon the dayes appoynted for exercise if there be not sufficient reason giuen for their absence p^{ro}vided the fyne be wth the consent of the com-

pany so exercised or the major part of them and such fyneℓ to be gathered by the Constable of the place and to be for the benefitt of that company where such fyne shall happen. [PART I.]

That the quarter Courtℓ be hereafter held the first Tewsdays in June the first Tewsdays in September and the first Tewsdays in March yearly w^{ch} shalbe the Eleccōn Court and none to be kept in December as for^mly and that euery Court shall begin at nine of the clock in the morneing and end at foure in the afternoone And that the monthly Courtℓ hereafter be kept euery first Teusday in euery second month. This is altered.

*Acts made by a gen^lall Court held the xxvijth Septemb^r 1642. *62

THAT the Court doth giue power to the Townes to p^pound two or three persons to the Court to be in any cheefe place aboute the degree of Serjeantℓ (to exercise their men in armes) ℓ to p^rsent them to the Court and such as are approued by the Court to be established ℓ such officers to choose their vnder officers wth consent of the Body. I
Military officer.
altered.

That the cheefe millitary Com^āanders of euery Towne haue power to call forth men ℓ to exercise men in their armes and to appoynt dayes, and the Serjeantℓ to giue warneing thereof and to be donn as often as the Court hath appoynted. 2

That in tyme of feare ℓ danger or suddaine assault of an enemie the millitary Com^āander in euery Towne shall haue power to call the souldiers of that Towne together and put them into a posture of warr whose com^āands euery souldier shall obey for the defence of the Towneship and that they follow the direccōns of the millitary com^āander of that towne in keepeing watch and ward. p^uided that the ordinary watch be set and appoynted wth the Ma^{tr}ais approba^ōn of that towne if there be any. 3
in times of
danger.
Stand.

That the Millitary company haue power together wth their cheife com^āanders to make orders for fineing all such as shall not haue their armes compleat and shalbe defectiue in their apparance ℓ exercise of armes, and to make such orders for furnishing the company wth such necessities as shalbe needfull for the exercise. 4
To make or-
ders for fyn-
inge.
stand.

That all such millitary fines and forfeitures be levyed ℓ gathered by the Clark of the company ℓ constable or one of them and to bee ymployed to the benefitt of that company. 5
How such
fynes to be
levyed.
stand.

6

That all Smyths w^{thin} the Gofment be compelled to amend and repaire all defectiue armes (brought vnto them) speedily and to take Corne for their pay at reasonable rates: and the smyth refusing to answere it at his pill.

smiths to a-
mend defec-
tiue armes.

March 7th 1642.
Receiuing
psons into a
Towne who are
like to be
chargable.
stand.

If hereafter any Inhabitant or Inhabitant^ℓ of any Towne w^{thin} this Go^{vt} shall receiue or bring in any pson or psons as is apparently likely to be chargeable to the Towneship (against whom just exception is made at the tyme of his comeing or w^{thin} a month after) w^{thout} the consent and assent of the Townesmen in a lawfull geⁿall publike towne meeting the ptic or ptics that so receiued or brought them shall discharge the Towne of them.

This is to the
same effect.
stand.

If any pson or psons comeing out of England or els where bring any pson or psons who by reason of impotency disease or otherwise is apparently likely to be chargable to the place where hee shall come to inhabite the pson or psons so bringing in any such pson or psons shall discharge the Towneship of them during the tyme of the diseased^ℓ abode there. But in case any Inhⁱte w^{thin} this Colony shall bring ouer from England or elswhere or p^{ro}cure to be sent vnto them any servant or servant^ℓ w^{ch} by Gods p^{ro}vidence shall fall diseased lame or impotent by the way or after they come here, they shalbe mayntayned and p^{ro}uided for by their said masters &c during the terme of their service & couenant^ℓ, although their said masters release them out of their said service, & afterwards to be releued by the Towneship where hee is.

psons for nur-
ture or phis-
icke.
stand.

*63

*If any children or elder psons shalbe sent or come from one Towne to another to be nursed schooled or otherwise educated or to a Phisition or Chirurgeon to be cured of any disease or wound &c yf they come to stand in need of releefe they shalbe releued and mayntained by the Towneships whence they came or were sent from and not by that Towneship where they are so nursed educated or at cure, And in case they come or be sent from any Towne or place out of this Colony then if the nurse Educator phisic^{on} & Chirurgeon take not sufficient security of the psons to be nursed educated or cured to discharge the Towneship of and from all cost and charge w^{ch} shall or may come & befall the said Towneship in w^{ch} hee or they is so to be nursed educated or cured Then they the said nurse educator phisic^{on} & Chirurgeon as neglect^ℓ the same shall discharg the said Towneship of them themselues.

Inhabitant
who.
stand.
Vid. pag. 66.

That euery pson that liueth & is quietly settled in any Towneship and not excepted against w^{thin} the compasse of three months after his comeing, in this case shalbe reputed an Inhabⁱt of that place.

That euery Towneship shall make competent puiſion for the mayntenance of their poore according as they shall fynd most conuenient & ſutable for themſelues by an order & geſſall agreement in a publike Towne meeting. [PART I.]
pviſion for
poore.
And notwthſtanding the p^rmiſſ^s That all ſuch pſon & pſons as are now reſident & Inhabitant^l wthin the ſaid Townes ſhalbe mayntaned & p^ruided for by them. ſtand.

Memorand^t That Jonathan Willis is excepted out of this order that is at Duxborrow for cure & ſhall not be mayntayned by Duxborrow but by Sandwich whence he came.

Elecc^on Corte in June.

It is enacted alſo That the Elecc^on Court of chooſeing officers as Go^vrn^r and Assistant^l ſhalbe hereafter euery firſt Tewſday in June becauſe that many are hindred from comeing in March by reaſon of the vnſeaſonableneſſ of the weather ordinarily. ſtand.

It is enacted by the Court ~~That all the Mill^s wthin this Go^vnt ſhall p^ruide and keepe weights and Scales in their Millneſ to weigh mens Corne wthall.~~ Repealed the
30th auguſt
1643.

*June vjth 1643.

*64

Whereas it is holden very vnlawfull and of dangerous conſequence and it hath beene the conſtant cuſtome from our firſt begining That no pſon or pſons haue or euer did purchaſe Rent or hire any lands herbage wood or tymber of the Natiues but by the Majeſtrates conſent. It is therefore enacted by the Court that if any pſon or pſons do hereafter purchaſe rent or hyre any lands herbage wood or tymber of any of the Natiues in any place wthin this Go^vlment wthout the conſent & aſſent of the Court Euery ſuch pſon or pſons ſhall forfeit five pounds for euery acre w^{ch} ſhalbe ſo purchaſed hyred rented and taken And for wood & tymber to pay five tymes the value thereof to be leyed to the Colonies uſe. Lands hired
or purchaſ^d of
the Indians.
ſtand.

It is alſo ordered by the Court That the Court of Aſſiſtants ſhall not try any matters of waight wthout the major part of the Aſſiſtant^l be p^rſent And alſo that if there be not foure Aſſiſtant^l wth the Gouvernor not to try or q^r end any cauſe wthout the conſent of the p^rties. Tryalls by the
Court of Aſ-
ſiſtants.

March 5th 1643. Acts & orders.

The Guns and peeceſ allowed for ſervice are theſe viz^t. Muſketts fire locks and matchcock^l (ſo that they haue foure fathome of match at all tymes for euery matchcock) Calivers, Carbines and fouleing peeceſ ſo that they bee not aboue foure foote & a half long and not vnder baſtard muſkett or caliuer bore. Guns allowed
for ſervic.
ſtand.

[PART I.]
Raters & rules
thereof.

That in euery Towne there be three or foure men or more chosen by writing their names in papers (as the Ma^{tr} are chosen) to rate all the Inhabitant^l of their Towne according to their estates or faculties that is according to goods lands improoued faculties and psonall abillities, whether the rate be for any of the townes in pticular or for geⁿall charges. And by ymprooued land^l are vnderstood meddow land plowed land & howed lands.

The orders herein to be obserued are these —

confirmed.

ffirst That the Constable shall su^mon the Townesmen to meette together, & if he neglect when he is thereunto lawfully warned to forfeite xx^s.

2^{ly} That if the Townesmen do not meete vpon the Constables warneing & choose raters the Towne to forfeite fiue pound^l.

3^{ly} That if the Rators so elected do not make the Rate and transcribe and & deliuer or cause to be deliued a copy thereof to the Constable wthin tenn dayes next after their elec^{ti}on or sooner if the occation shall require to forfeite tenn shillings a peece for euery such default.

4^{ly} That if the Constable do neglect to gather the said Rate or not cause them to be brought in wthin fourty dayes next after he hath the said rate or sooner vpon speciall occation, he shall pay it [^] self, & to be recofied by suite &c.

confirmed in
the genall
Court.

*65

5^{ly} *That the Constable shall haue power to distraine vpon any that shall neglect to pay his rate (being demaunded) & bring it to y^e place appoynted by him and shall haue xij^d for his ^{distr}aynes of euery one as shall by such his neglect put him to distrayne.

Lastly That all fynes and forfeitures w^{ch} shall happen for breach of any of these acts & orders shalbe leyed for the geⁿall use of the Gofment.

{ The Court found it of necessity that these act^l should }
{ be of force from this day forward & so are confirmed }

Confirmd.
Lands of
P^{tn}ers.

That where lands or tennement^l fall in joynt ptnership either by guift graunt or purchase or otherwise That if any of the ptners do dye before the diuision thereof shalbe made, That the heires & assignes of such as shall so decease shall not be depriued of the right title & interrest into such said lands and tennement^l but shall haue his or their ppor^{ti}on as duly & equally as any of the Suruiours or their heires or Assignes any act ordinance custome or p^{ro}uision made to the contrary in any wise notwthstanding as fully and amply as if diuision thereof had beene for^mly made.

Marshfield.
2 Counstables.

Liberty is graunted that the Towne of Marshfeild shall haue two constables one to be on thother side the South Riuer.

June 5th 1644.

[PART I.]

It is enacted by the Court That if any Constable wthin the go^ument haue
 occation to goe out of the Towneship whereof he is Constable for some tyme
 he shall haue power to p^ocure and depute another in his stead as his deputie
 to execute his place vntill his returne as effectually as he himself might doe.

Depute Coun-
stable.

done before.

That it shalbe lawfull for the Go^urnor and Majestrat^e or any of them to
 direct a summons to any p^oson wthin the Go^ument to answere to any suite
 co^menced against them. and it shalbe as authentical as if it were donn by
 warrant to attach or arrest them.

Magistrates
summons.

stand.

That if any man be warned to serue on the Grand Inquest & shall fayle
 to come and do the service and take the Oath of fidellyty (if he haue not
 taken it already) shall forfeite xx^s. to the Colonies use.

Who refuse to
serue in the
grand jury.
stand.

That if any man shall repaire or amend any guⁿs or Armes for the Indians
 he shall forfeite xx for one. It is added to thother act for trading of guⁿs.

Guns of In-
dians repaired.
stand.

To consider what course shalbe taken for distracted p^osons and for some
 to ofsee them.

*The xxth August 1644.

*66

It is enacted That as the watches are set vp by order so they shalbe con-
 tinued vntill there be order likewise to lay them downe. And that euery
 watch shalbe set half an hower before the Sunn be set and to continue vntill
 half an hower after the Sunn is risen except they ward also on the day tyme,
 and then to continue vntill the same tyme they begann that a fresh watch
 come to releue them And that for euery man that shall neither come him-
 self nor p^ouide a sufficient watchman in his stead, or lay downe the watch
 wthout due order shall pay ij^s vj^d for euery night to the Colonies use & iiij^d an
 hower for euery hower he comes after the watch is sett.

Watches.

stand.

That all those p^osons in euery Towneship wthin this Go^ument y^t haue not
 taken the Oath of fidellyty &c. and do refuse to take it dept the Go^ument.

stand.
Who refuse y^e
oath of fidelity.

That if a Jury be empanelled for tryall of causes and the p^oties agree
 after, yet they shall pay the Jurie.

q^r

The fynes of such as are defectiue in their Armes.

stand.	[PART I.]	ffor such as are wholly defectiue	-	-	-	-	-	x ^s
		that want a peece	-	-	-	-	-	vj ^s
		that want a sword	-	-	-	-	-	ij ^s vi ^d
		that want pouder	-	-	-	-	-	v ^s
		that want bulletts	-	-	-	-	-	ij ^s
		that want match	-	-	-	-	-	xij ^d

Entering of
actions.
stand. That all actions be entred vpon the warrants or su^mons sending forth as-
soone as may be.

Presse horses.
stand. That it shalbe lawfull for the Gou^rn^r & Assistant^l to presse horses for the
Countreys service, paying the owners for them or takeing order for their pay-
ment. But if he miscarry in the service the price of such horse made good
to the owner by the Countrey and the horse to be prized at his going forth.

former order in
pag 63
explayned. Whereas it was enacted March 7th 1642 That a pson quietly settled in
any towne wthin this Gou^rn^t &c. the space of three months should be
reputed an Inhabitant there. It is p^ruided that that act shalbe expounded &
construed onely to haue rela^con to poore psons &c. And it is also p^ruided
that that act shall not any wayes enable any pson to be reputed an Inhabitant
in any Towneship wthin this Gou^rn^t that shall or doth refuse to take the
Oath of fidel^lty &c although he hath beene there resident for some tyme.

*67 *Acts made att the geⁿall Court the 3^d March 1644. 20^o Caro^t R^e
Treasurer giue
his acc^t. It is enacted That the Treasurer shall at the Elec^con Court giue in his
account^l of his receipts and payment^l for his yeare to any that the Court shall
stand. appoynt and to be entred vpon record and therevpon he to be discharged.

Genall Court
in 7th altered.
q^r It is enacted That the geⁿall Court for^mly holden in Septemb^r shall
hereafter be holden the last Tewsday in October.

A guard of 2
halberts.
q^r. It is enacted That there shalbe allowed at the geⁿall charges a guard of
two halbert^l for the safety of the Gou^rnors pson at the geⁿall Court^l.

Surveyo^rs of
high waies.
q^r. That the Surveyors of the heigh wayes shall giue three dayes warneing
to the Teames and other p^ticular psons when they are to amend the heigh
wayes as often as need shall require p^ruided that the warne not one teame nor
one pson twice before they haue gone ouer all the teames and psons in their
towneship And he that shall refuse to come being so warned shalbe brought

to the Court to answer his contempt. And that every Surveyor that shall neglect his duty in repairing the high ways shall forfeit x^s. to the Colonies use. [PART I.]

~~It is enacted That if any goods or cattell bee taken upon execution the Officer shall deliver them to the plaintiffe and if they be above the value of the debt the plaintiff shall render the overplus to the defendant within six dayes next after they are so taken in Countrey pay, but if the defendant can either himself or procure any other to pay the debt otherwise or will give more for such goods so taken in execution then they are valued at It shall be lawfull for the defendant to make his best of them so it be within the said six dayes next after they are so taken.~~ This act is altered as follows.
repealed.

Acts made the fourth of June 1645.

It is enacted That an execution shall be made forth at the end of one month after the verdict and judgment is granted and not before (except the party be depleting the Government) and that the Marshall when hee goeth to serve the execution shall take one with him chosen by the plaintiff to appraise the goods or cattell taken in execution and the defendant shall have liberty to choose another And the Marshall and those two shall appraise the goods or cattells so taken, but if either the Plaintiff or Defendant do neglect or refuse to make such a choice, then the marshall shall choose two himself and as they or any two of them shall prize them, they shall be forthwith delivered to the plaintiff, and if they come to more then the debt and charges shall amount unto then the plaintiff shall pay the overplus to the defendant in Countrey pay within three dayes next after hee receiveth the said goods at the plaintiffs owne house so that his house be not out of the Government, but if his house or dwelling bee out of the government then at the Marshalls house or where with most convenyency the Marshall shall appoint.

*That all executions issuing out of the general Court or from y^e Court of Assistant shall be executed by the Marshall onely. Execution served p Marshall.

*68

That the Messenger henceforth be styled or called by the Name of Marshall.

It is enacted That in case of appeal from one Court to another that upon the second verdict order or decree execution shall be presently made forth and the Marshall shall forthwith be sent to execute it And if the Marshall Executions upon appeal.

[PART I.]

desire it and the Court or Goſnör judge it meete a warrant ſhalbe directed from the Goſnör to two or three or more for the aydeing and aſſiſting of the Maſhall in the execucon thereof and ſuch pſons ſo ſent wth him to be payd by the Deffent wth the reſt of the charges of the ſaid ſuite.

That Seacunck be called Rehoboath.

Carnall copu-
latio

It is enacted ¶ That every pſon or pſons w^{ch} ſhall comitt Carnall Copulacon before or w^{thout} lawfull contract ſhalbe puniſhed either wth corporall puniſhment by whipping or els pay tenn pound℥ a peece fine and be ymprisoned during the pleaſure of the Court ſo it be not aboue three dayes, but if they be or wilbe married one to another, then but tenn pounds both and ymprisonment as aforeſaid. And by A lawfull contract the Court vnderſtands the mutuall conſent of two parties wth the conſent of p^{er}ent℥ or guardians (if there be any to be had) and a ſolemme p^{ro}miſe of marriage in due tyme to eich other before two competent wiſneſſes. And if any pſon or pſons ſhall comitt carnall copulacon after contract and before marriage ſhall both pay five pound℥ and be both ymprisoned during the pleaſure of the Court ſo it be not aboue three dayes, or els in caſe they cannot or will not pay the fyne then to ſuffer corporall puniſhment by whipping.

Nuncupative
teſtam^t℥.

It is enacted that if any man being ſick and weake or otherwiſe (but of diſpoſeing memory) do declare his mynd and will concerning the diſpoſeing or bequeathing his lands before two or more of the freeholders of the place where hee liues, it ſhalbe vpon their Oathes recorded and remayne firme according to ſuch deviſe and bequeſt.

That all forme bargaines made for Corne due before this day ſhalbe payd by the old meaſure, except they haue otherwiſe contracted.

Repealed the
X of July
1646.

~~Whereas the laſt ſeſſion of this Court it was fully agreed That that buſhell agreed vpon by the vnitd Colonys ſhould be here allowed and no other Whosoeſſ therefore after the twentieth day of November next enſuing ſhall buy or ſell receiue pay or deliuer by any other then the ſaid meaſure of the vnitd Colonies both buyer and ſeller ſhall pay xij^d a peece for every ſuch buſhell ſo bought and ſold receiued and deliued to the Colonies uſe aſſoone as he or they ſhalbe thereof convicted. And the Smyth to make A ſeale of two Roman letters namely N E to ſeale the meaſures be ſides the P.~~

*That all ordinary Dealers that sell by vnsealed waights and measures w^{ch} are not weight and measure by the standard shall loose such waight^l and measures and make restitu^{co}n to the pties wronged by such want of weight ^[PART I.] ^{Vnjust w^t ^l measures.} and shall pay to the Colonies vse for euery such default of false weight ^{*69} ^l measure for the first tyme vj^s viij^d and for the second tyme xij^s iij^d and for the third tyme xx^s and such waights and measures to be burnt And that all other waights ^l measures of other men shalbe answerable to the standard and a pyle of weight^l of M^{rs} Atwoods and her scales shalbe the standard. And for scaleing j^d for euery weight vnder a quarter of a pound and for all about a quarter to vj^{li} ij^d a peece and for all about vj^t to a hundred waight iij^d.

That euery Miller haue two toul dishes viz^t a quart and a pottle, but to be so made that vpheaped they will hold no more then a quart ^{Millars toll} ^{dishes.} ^l a pottle by the new measure allowed and those be sealed by the twentyeth day of the next month or els to pay x^s p month so long as hee or they keepe them vnsealed after.

That misdemeanors and offences following and the pson or psons thereof duly convict shalbe punished as followeth.

That euery pson or psons that shall wilfully pluck up remooue or deface any land mark or bound betwixt pty and pty that haue beene or shalbe orderly and sufficiently set vp by psons therevnto designed shalbe fyned from xx^s to fve pounds according to the nature of the offence. ^{Removinge or defacing land mkes.}

That euery pson or psons that shall wilfully and of set purpose ~~or carelessly~~ ^{carelessly} breake dōwne another mans fence or yate or any co^mon yate or bridge to the annoyance either of a p^ticular pson or the geⁿall shall make up such said fence yate or bridg at his owne charg and pay the damage thereby sustayned and be fyned for the first default fifty shillings and for the second default be fyned v^t and bound to his good behauior. ^{Breakinge fence or yat^l.}

That euery pson or psons that shall wilfully and of set purpose burne any mans fence or fences shall make good the damage and bee bound to his good behavior. ^{Burninge fences.}

That whatsoever servant or apprentice or labourer that shall purloine or steale or ymbessell his Masters goods shall make double restitu^{co}n either by ^{Purloyning M^r goods.}

[PART I.] payment or servitude as the Court shall judg meete for the first default, and for the second default of the labourer to make double restitucon, and either fynd sureties for his good behauio^r or be whipt.

Wearinge
Visors.

Whereas some abuses haue for^mly broken out amongst us by disguiseing weareing visors and strang apparell to laciuious ends & purposes It is therefore enacted That if any pson or psons shall hereafter use any such disguise-ment & visors strang apparell or the like to such lacivious and euell ends and intent &, and be thereof convict by due course of law shall pay fifty shillings for the first offence or els be publikly whipt and for the second tyme five pounds or be publikly whipt and be bound to the behauio^r if the Bench shall see cause.

Forging deeds.
*70

*It is enacted by the Court That whosoever shall forge any deede or writing whereby any estate of lands either of Inheritance or for terme of yeares shalbe passed and the right heires disinhereted and shall pduce or publish the same to such deceitfull end and purpose and be thereof convict by due course of law shall pay the p^tie greued double damage and be fyned half so much as the p^ty greued recouers of him, and in case he be not able to pay it then to be publikly whipt and burned in the face wth a Romane F.

stealing or de-
facinge publick
Records

That if any Officer or keep of publike Records or writings shall willfully steale imbezell deface or make away any such publik record or writing so committed to publike Record and keepeing or alter any of them or any p^t of them by raceing out or adding thereto or otherwise shalbe disfranchised loose his Office and burnt in the face except in triuiall cases.

Corruptinge
publick officers
of Records.

That if any pson or psons shall endeavour or goe about directly or indirectly to corrupt any officer keepeing any publike Records or writings to pcure him to deface corrupt alter race or ymbezell any such publike record or writing shalbe fyned according to the nature of the Offence so it bee not aboue fourty pound &, or be whipt.

Debts due by
booke how to
be demanded.

Whereas many inconveniencies losses and great controulsies haue and do dayly happen by reason of p^ttended debts some tymes just & sometymes satisfied the charge remayneing still vncancelled some tymes vpon bookes sometymes by papers whereas in truth there is little or nothing really due or remayneing, but through long neglect of demaund, and sometymes slow payment made, much contention doth arise betwixt p^ty and p^ty It is there-

[PART I.]

stopping by
netts Sand-
wich River.

*71

Military officer
to see the
Armes.

the vjth of July 1646.

When Mr. C
Comittees to
meet at
Courte.

Bushell.

[PART I.] bushell is established to be the measure and standard for all the Townes wthin this Goument and that all measures used wthin the Goument shalbe made thereby and if any pson or psons do use any other either to buy or sell by they shall pay xij^d a peece to the Colonies use.

Ordinary
keep^r and Re-
taylers of wine
who. & their
rules.

It is enacted by the Court, That none do keepe victualling or an ordinary or draw wyne by Retayle wthin this Goument but such as are allowed by the geⁿall Court And that if any victualler or Ordinary keeper do either drink drunck himself or suffer any pson to be druncken in his house they shall pay fve shillings a peece And if the victualler or ordinary keeper do suffer any Townesmen to stay drinking in his house aboue an hower at one tyme The victualler or ordinary keep shall pay for euery such default xij^d and the pson so staying aboue the said hower iij^s iiij^d And by drunkenesse is vnderstood a pson that either lisps or faulters in his speech by reason of o^fmuch drink, or that staggers in his going or that vomitts by reason of excessiue drinking, or cannot follow his calling The pson or psons that shalbe found guilty in these or any of them shall for the first default pay fve shillings and for the second default tenn shillings to the Colonies use and for the third tyme he shalbe found faulty to be bound to the good behauior. And if hee or they cannot or will not pay the fine or fines then to be sett in the stocks &c.

Military Offi-
cers how
chosen.

*72

*It is enacted by the Court That in Case any Cheefe Millitary Officer as Captaine Leiftennant or Ensigne be wanting in any Towne wthin this Goument Such Towneship shall present two or three psons of the fittest they haue for that place to the Court and such pson or psons as shalbe approued of by the Court shalbe established in such place and office And such Cheefe Officers to choose their vnder officers wth consent of the Body.

not to lay
down their
place wthout
Court^s appba-
tio.

It is enacted by the Court that as the Captaine Leiftennant & Ensigne of a Company are established into their places by the authority and approba^coⁿ of the Court so such Captaine Leifteⁿant and Ensigne shall not lay downe their places but by the consent and approba^coⁿ of the Court vpon the penalty of fve pounds for euery Captaine. fifty shillings for euery Leiftennant & fifty shillings for euery Ensigne so laying downe his place wthout the leaue and likeing of the Court. And if any Captaine Leiftenn^t or Ensigne shall neglect to trayne their men on the dayes appoynted or shalbe negligent in his or their places vpon prooffe thereof made shalbe fyned x^s for euery such default.

It is enacted by the Court That euery Towneship w^{thin} this Gofment [PART I.]
 before the next October Court eich Towneship shall p^{ro}uide two sufficient snap- Publick
 haunces or firelock peecees two swords and two pouches for euery thirty men Armes.
 they haue in their towneship and so p^{ro}portionably for their number they are to
 set forth be the[y] greater or lesser w^{ch} shalbe ready at all tymes for service
 vpon any occation vpon such penalty for euery delinquent as the Court shall
 judg meete according to the nature of the offence.

fforasmuch as there are certaine com^{on} Charges to be disbursed constantly Excise.
 yeare by yeare And forasmuch also as the Countrey is vnwilling to defray
 the same by way of Rate but rather by way of Excise vpon wines Tobacco
 & It is enacted by the Authority of the Generall Court That these Excises
 shalbe imposed to be payd by all that are lycensed to retayle wines strong
 water and y^t sell Tobaccoe ^{and fish & make fish} as followeth viz^t vpon euery gallon of spanish
 wine eight pence euery gallon of ffrench wyne foure pence euery gallon of
 strong water eightene pence & euery pound of Tobaccoe one penny ~~and for~~
~~euery share of fish by strangers haueing liberty to fish at the Cape sue chil-~~
~~lings.~~ And that in euery Towneship w^{thin} the Gofment the Receiuer of
 the Excise nominated & authorised by the Court shall receiue the same.
 And that euery Retayler of excised goods do repaire to the Receiuer before
 hee or they shall retayle any such excised goods and make knowne the quan-
 tyty of them and make payment of the said excise vpon them vnto the said
 Receiuer foure dayes in the yeare yearely viz^t the first day of August the
 first day of Novemb^r the first day of ffebrua^r and the first day of May and
 for strangers p^{re}sently out of w^{ch} the Receiuer shall haue twelue pence in the
 pound for gathering and receiueing the same besydes charges of transporta^{cion}
 defrayed And if any pson retayleing any such excised goods shall neglect or
 refuse to acquaint the Receiuer of the said Excise therewth and not pay the
 same at the dayes appoynted *shall pay treble excise for them. And it shalbe *73
 lawfull for euery Receiuer of the said Excise in euery Towneship to goe into Excise.
 any Retaylers seller boate or elsewhere into any house to take notice of such
 goods and the quantity of them as are to be excised And the said Receiuer
 of the Excise shall make payment thereof yearely to the Treasurer for the
 tyme being at two dayes in the yeare that is to say the first day of Nouember
 and the first day of May and in default of the Receiuer either in not receiue-
 ing or not paying it to the Treasurer at the dayes appoynted to pay three for
 one And in default or neglect of payment either in the Receiuer or Retayler
 such suffie or sumes as are growne due wth their sefall penalties to be levyed
 and taken by warrant from the Gouvernor or some one of the Assistant^t.

[PART I.]
 this follows af-
 ter.

It is enacted by the Court That there shalbe in euery Towne wthin this Gouerment A Clark or some one appoynted and ordained to keepe A Register of the day and yeare of the marriage byrth and buriall of euery man weo-man and child wthin their Towneship.

The wiues con-
 sent to the sale
 of house or
 lands.

It is enacted ꝑ. That they Assistantꝑ or any of them shall haue full power to take the acknowledgment of a bargaine and sale of houses ꝑ landꝑ so that they keepe a book thereof and cause them to be recorded wth all convenient speed And that the wyfe hereafter come in and consent ꝑ acknow- ledg the sale also; but that all bargaines and sales of houses and lands made before this day to remayne firme to the buyer notwithstanding the wife did not acknowledg the same.

Prison's allow-
 ance.

It is enacted ꝑ. That the Colonies wthin this Gou^rment shall allow ij^d p day to mayntaine a prisoner comitted for felony or misdemeanorꝑ (if they be not able to mayntaine themselues) and to be payd by the Treasurer, ꝑ allowed vpon his accountꝑ.

Marshalls fee.

It is enacted ꝑ. That the Marshall shall haue two shillings in the pound for gathering of fynes ꝑ. if they be not brought in by the pties themselues.

At a generall Corte, by, the last session of the Elecc^on Corte holden 20th October, 1646.

Retaylor of
 wine vnli-
 censed who.

IT is enacted ꝑ by the Corte ordered that whosoever shall draw out ꝑ sell a lesser quantity or Caske of wine then 10 gallons to any, shalbe accounted a retaylor.

Memorand. to
 amend this.
 Retaylers not
 licensed fyned.

That whosoever retailles beere, or wine or strong water ꝑ not licensed by order of Courte shalbe fined ꝑ pay for the first default, double the value of what is so sould ꝑ retayled.

Register of
 births burialls
 ꝑ marriageꝑ.

It is enacted by the Courte That there shalbe in every Towne within this govern^t a Cleark or some one appointed ꝑ ordayned to keepe a register of the day ꝑ yeare of the marriage, birth, ꝑ buriall of every man woeman ꝑ child within their towneshippe ꝑ to haue 3^d a peece for each particular person soe registred, ꝑ further it is enacted, that euery father, or mother, or next in relation shall certify to the Towne cleark or register keeper, the name ꝑ day of the birth of euery child so borne in his house within one moneth after it

is borne, or be fined for *euery such default three shillings, the one halfe moity thereof to the Governoure, the other halfe moity thereof vnto the sd clearke, or register keeper vpon his compt (And that euery person married shall signify his & her name with the day vpon w^{ch} they were married vnto the said clr or register keeper within one moneth next after the day of his said marriage vpon the like penaltie of 3^s, the one moity thereof vnto the Governoures vse, & the other vnto the said clr or register keeper vpon his complainte. And alsoe that euery master or m^{rs} of the family in w^{ch} any person dies or pson next in relation to any person soe dead shall giue notice vnto the said clearke or register keep, the name of the person & day of the sd buriall, sub pena, 3^s the one halfe or moity to the Gofinou's vse, the other to the clearke or register keeper vpon his complaint (And the clearke, or register keeper of each Towneshippe shall exhibite a true & pfect Copy fairely written annually at March Courte vnto the s^d Courte of all the birthes, mariages & burialls of the yeare past, And lastly that the Clearke or register keeper in euy Towneshipp shall publish all contracts of marriages, & shall haue xij^d as his fee for euery marriage as he publisheth orderly.

[PART I.]

*74

Whereas there is greate abuse in takinge of Tobacco in very vnciuill manner in the streetes & dangerously in out houses, as barnes, stalls aboute hay stackes, Corne stack & other such places, it is therfore enacted by this Courte, that if any person or persons shalbe founde or seene hereafter takinge tobacco publickly in the open streats of any Towne, (vnles it be souldiers in the time of their trayninge) or in & aboutes barnes, staules, haystacks, corne stacks hay yeards or other such places or out houses, that euery such pson or psons so offendinge shall forfeit & pay to the Townes vse, for the first default xij^d, for the second ij^s, & soe for euery such default afterwards ij^s, & it shalbe lawfull & by this act warrantable for the Counstable of euy towneshipp w^{thout} further warrant, vpon sight or information thereof to dis-traine his or their goods for it as doe refuse to pay it vpon his demand & to be accomptable to the treasurer of what he receiues yearly at the eleccon Corte.

Abusie takinge Tobacco.

It is enacted that the Marshall shall haue hencefoorth annually threescore bushells of Indian Corne or the full value of it in other Corne (besides his ordinary fees allowed) p^d vnto him for his wages pportionably to be p^d out of the sefall townships by way of rate.

Marshalls yearly wages.

It is enacted that if any pson shall hencefoorth cast contempt & reproch on the Marshall or any of his by reason off and concerning his office shalbe fined for euy such default to the Govermt^e vse x^s.

Reprochers of M^rshall.

[PART I.]

Receiu^{er} of ex-
cise rep^{ro}ched.

*75

freemen to
app^r at the
genall Courte
in June & 2
deputies.

*And if any person or persons shall henceforth cast contempt or reproch on any receiuer of the excise by reason of & concerninge his said office shalbe fined for euery such default to the govern^{or} & vse x^s.

Whereas the Townes formerly were to send their deputies (w^{ch} must arise out of their free men) to attend the 3 generall Court^{es} of the yeare for our Sovereaigne Lord the Kinge, now vpon the speciall complainte of the deputies of the Townes soe sent professinge them to be oppressed thereby, It is ordered & enacted that the whole body of free men appeare at the Election Courte w^{ch} is the first tuesday in June successiue^{ly}, & there to make or repeale such lawes orders & ordinanc^{es} as shalbe fownde meete & wholesome for the orderinge of the Gou^{er}nment & that then alsoe they present such deputies as haue bene chosen by their townes accordinge to order formerly established, who are to attend the same, & its seuerall adjourn^{ment} & as the occasions of the Country shall require, & that whatsoever lawes orders & ordinances shalbe made or repealed be at that Courte & the seuerall adjourn^{ment} thereof onely done & the other Court^{es} to attend onely matters of Judicature & the magistrates onely to attend the same.

Townes neg-
lect^{ed} to chuse
Comittees.

It is enacted that if any towneshipp beinge orderly thereto required shall neglect or refuse to elect & chuse Comittees according to the two former orders, the towne so neglectinge or refusinge to be fined to the govern^{or} vse 40^s & euery Comitteee soe chosen & makes not his psonall appearance in the Courte at the day appointed there to doe his service, be fyned 20^s. vnles he can shew a reason appuied by the Courte.

Grandjurym^e
to view w^h &
measures.

It is ordered that the grandjury men in euery Towneshipp once in the yeare annually doe view all the measures, weight^{es} & tolle dishes in their seuerall towneships, & see that they be lawfull according to order, & that every housholder haue ladders sufficient according to order & p^{re}sent the defect^{es}.

Needlesse
firing woods.

Also that if any person at any time shall fire any the woods, & hath no just occasion so to doe he shalbe fined to the gov^{er}n^{or} vse x^s. or be whipt.

Selling wine or
strong water to
Indians.

It is enacted that noe pson whatsoever shall hencefoorth sell wine or stronge water to any Indian, vnles in case of sicknesse or faintnes & then onely with the foreknowledge & consent of a magestrate if there be any in the Towneshipp, or in defect of him with the foreknowledge & consent of the Comittees or grandjurym^e of the s^{ai}d towneshipp, & but for a smale quantity, & for euery defaulte to pay x^s. to the Collonies vse.

It is enacted that the towne of Rehoboth shall haue liberty yearely to make choice of 2 freemen of their inhabitants to be assistant ^[PART I.] to the magistrate then in beinge for the examininge & tryinge of all matters in difference ^{Rehoboths liberty.} betweene party & party by a jury of 12 men not exceeding the value & some of 10^l reservinge liberty to any pty after tryall to *appeale to the generall Courte at Plimouth, puided that the appeale be made the same day the verdict is brought in, & he that shall appeale doe giue security that if he be cast in the Courte at Plimouth then he shall pay double damages. *76

And further for the avoydinge of travaile & chardge the freemen of Rehoboth shall for the election of magistrates send their votes by proxies provided their votes be orderly taken in the Towne meetinge & then ymediatly sealed vp & deliuered to the Comittees or grandjurymen who shalbe sent to attend the affaires of the generall Courte & deliuered in Courte by them, vnlesse vpon other weighty occasions, their presence be required by speciall warrant. ^{Rehoboths liberty in Elec-con.}

*At the 2^{cond} session of the generall Court begun at New Plymouth the sixt of June 1649 holden at Plymouth aforesaid the twenty fift of October in the yeare aforesaid before M^r Wiltam Bradford gent. Gouver^r Wiltam Colyare Capitaine Miles Standish Timothy Hatherley John Browne & Wiltam Thomas gent. assistants. *77

IT is Ordered y^t no Lands bee graunted to any Strangers vntel the bounds bee knowne betwixt Kanetaquet & vs according to order of Parlement.

That wheras Complaint is made by the Comittees of Scittuaat for y^t ^{Enacted.} their Charges are not borne according to order of Court; The Court haue therfore ordered y^t a warrant bee directed to the Cunstables of Scittuaat aforesaid to Summon the said Towne together to make a Rate for publick Charges wherein is to bee mentioned the Charges of the said deputies to bee Required by Rate according to the aforesaid order and y^t seuerall warrants bee directed in like manor to eich Towne within this Gouverment Respectiuely.

Concerning the ~~positions~~ ^{of this see} made by the deputies assembled about the maior pt of the Court to order the aiornments & desolution of the generall ^{more on the} Courts & the making & repealing of lawes; The Gouver^r thinks it not meet thay ^{other side this} bee put to vote vntell the next General Court of election. ^{this leafe.}

That Plymouth haue but two deputies as other Townes.

Repealed.

[PART I.]
 Enacted. That any such as are p^resented by any Towne vnto any Maiestrait within this Gouverment to bee Surveyors or Measurers of Land & such as are appointed to try & seale measures & all Towne Clarks shall haue an oath administered vnto them by the said Maiestraite.

Enact. That at Courts of Election next after the Choise & swearing of Maiestraits and other offecers the generall ocations of the Cuntry wherein Comitties are Requisite bee attended except extreordinary ocation Com in the way.

Enact. That if any bee orderly warned to work at the hiewayes & shall neglect shall bee ffined for his said neglect 3^s per day & for euery teame so warned y^t shall neglect eight shillings per day & y^t the Surveyors of Such Townes wherein such neglect is shall Returne their names to the next Maiestraite y^t by warrant the said ffines may bee required by the Cunstable of the said Towne for the Townes vse; and if it so fale out y^t in the ycare all the teames & p^rsons in the same Towne haue not been warned vnto the work aforsaid y^t thay bee all warned ouer before thay begin againe.

*78 *Att the Generall Court of freemen holden the fife of June 1650.

WHERAS complaint is Justly made y^t due Course is not p^rouided or at least performed and executed for the defraying of such nessesary Charges as are expended by the Magestraits of the Gouverment in attending att Courts and vppon other publick ocations for the adminestration of Justice

It is therfore Ordered by the Generall Court assembled That forthwith due Care bee had y^t the order extant Concerning the excise bee duely executed; and That fit p^rsons bee appointed to receaue it and in Case of neglect of none payment That then forthwith vppon such neglect warrants bee Required and graunted out to destraine vppon the goods if such p^rsons as doe neglect to pay it; and y^t it bee payed in good and marchantable pay such as may Conduce to the ends aforsaid.

Wheras a Comittie was Chosen by the Court viz M^r Tho: Prencce M^r Wilkam Collyare M^r Tho: Dimacke M^r James Cudworth M^r Josiah Winslow John Dunham seni. Gorg Soule and Constant Southworth to Consider of the p^roposition propounded by the Comitties at the last october Court Concerning the Maior pt of the Court to order the aiornments and desolutions of the generall Courts and the making and Repealling of lawes they the said Comittie declared their minds to bee That things in respect of the aforsaid perticular doe Rest vnalltered as they are:

And y^t for the futuer as formerly in the making and Repealling of lawes [PART I.]
 and aiornment of Courts wherin Comitties are Request; The Magestraits
 and Comitties or Deputies bee Concidered together as one body.

*Att the 2^{cond} session of the generall Court holden at New Plym: *79
 the 10th of June 1650.

It was ordered

That forasmuch as there are Risen vp amongst vs many scandalvs prac- Repealed
 tises which are likly to proue destructiue to our churches and Common
 peace; That whosoouer shall heerafter set vp any churches or publicke meet-
 ings diverse from those allreddy set vp and approued without the concent and
 approbacon of the Gouverment or shall continew any otherwise set vp without
 concent as aforsaid shalbe suspended from haueing any voyce in towne meet-
 ings and p^sented to the next generall court to Receue such punishment as
 the court shall think meet to Inflict.

ffurther bee it enacted by the authoritie aforsaid

That Whosoouer shall villifie by approbrivs tearmes or speaches any villifying min-
 church or minestry or ordinance being heerof lawfully convicted shall forfeite estrey.
 and pay to the vse of the collonie ten shillings for euery default.

ffurther bee it enacted that Whosoouer shall prophane the Lords day by prophanacon
 doeing any servill worke or any such like abusses shall forfeite for euery such the Lords day.
 default ten shillings or bee whipte.

It is ordered

That at June courts all warrants bee directed to warn psons on the fift warrants at
 day of the weeke to appeer for triall of actions. June Court.

The court haue by Joynt concent Repealled the Court order formerly
 made enioyning wampampeage to goe at six a peney.

Att the Generall court holden at New Plym: for
 the Jurisdiction of New Plym: the sixt of
 June 1651.

IT is ordered

That Whatsoeuer pson or psons shall neglect the frequenting the not frequent-
 publick worshipp of God that is according to God in the places wher they liue or ing publick
 doe assemble themselues vpon any p^tence whatsoeuer in any way contrary to worship and
 God and the allowance of the gouernment tending to the subversion of Reli- erecting other
meetings.

[PART I.] gion and churches or palpable prophanacon of Gods holy ordinances being duely convicted; vndelet euery one that is a master or dame of a family or any other pson at their owne desposing to pay ten shillings for euery such default.

Not frequent-
ing publick
worship.

It is ordered That if any in any lazey slothfull or prophane way doth neglect to com to the publick worshipp of God shall forfeit for euery such default ten shillings or bee publickly whipte.

*80

*June the 7th 1651.

It is ordered

The two last
lines of this
order was
aded the 10th
of June 1654.

That twenty pounds p annum bee Raised by the Collonie for the defray-
ing the charges of the Maistrates Table and other such like expences
to bee payed two ptes of three in wheat and the other third in barley to be
paied some time in the Month of Nouember annually.

That euery Townshipp haue libertie to make choise of a pson whom
they Judge meet (prouided hee bee a ffreeman and propose him to the next
generall court of election; that out of them the Cuntrey by free election
may make choise of such out of them and the old assistants as will make vp
the number of 7 assistants to supply the place of maiestracy or any other of
the freemen as they shall think meet;

For the Regulateing of the excise it is ordered

That the deputies of euery Township to set and let it to the best
advantage for sum Reasonable consideracon, and to Return within a month
what they haue done in that Respect; and for whatsoeuer is behind that it bee
Required and paied.

Ordered

That all such wolues as are killed by the Indians at Namassaket or
elsewhere from the 15th of March annually to the last of aprell; the charge
of the killing of them shalbe bourn by the whole collonie; and that they
shall haue for euery wolfe soe killed a coat of trading cloth; and at all other
times of the yeare any either English or Indians that shall kill any wolues
each Towne shall beare the charge of the killing of them wher they are killed.

Wheras complaint is made that many vnder ptence of hiering Indians
for to bee their servants for a month or longer time, doe furnish them with
guns poulder and shott to kill fowle & deare &c.

It is ordered

[PART I.]

That whosoever henceforth shall hier or imploy any Indian or Indians and furnish them with guns powlder and shott or any one of them shall forfeit for euery such default 40 shillings execept they bee Indians that haue been servants for diuers years and are in a good measure ciuilised and approued of by the Gouvernor and asistants.

It is ordered

That all Coopers shall make full sized Cask barrells and hoggsheads for meat and fish ; and that Cask for Tarr bee either barrells or Kilderkins.

Memorandum
to consider
this order fur-
ther.

It is ordered

That the Towne of Nawsett be henceforth called and knowne by the name of Eastham ;

*Att the 2^{oond} session of the generall Court held att New Plymouth the 29th of June 1652.

*81

ORDERED by the court

That wheras in regard of age disabillitie of body vrgent occations and other enconveniencies that doe accrew sundrey of the freemen are hindered that they cannot appeer att courts of election in consideraçon wherof, It is ordered and enacted by the court that any freeman of this corporaçon shall haue libertie to send his vote by proxy for the choise of Gouvernor asistants Comissioners and Treasurer ;

It is alsoe further enacted by the court that the Deputies of the seuerall Townes chosen to attend the court of election and the seuerall adiournments therof ; shall in that Townmeeting in which they are chosen they or either of them giue notice vnto the freemen that those that entend not to make their personall appeerance att the [courte of] election are now to giue in their votes sealed vpp for the [choise] of Gouvernor asistants Comissioners and Treasurer ; and the said Deputies to obserue by a list of their names who hath voted [and] who hath not ; the which votes soe brought in to bee yemediatly sealed vpp and brought vnto and deliuered in open court by the said Deputies.

ordered That whosoever shall sawe any boards in any place w[ithin] this Gouverment that is not in the bounds of any pticulare T[owne] shall pay to the vse of the Gouverment twenty pence for [euery] Thousand to bee payed to the Treasurer for the Countreys [vse] and of Timber and planke according to the pportion answerable.

[PART I.]

That all such Caske as are made by any Cooper within this Gouverment shall haue the two first letters of his name sett vpon such Caske hee makes by a burnt marke; vpon penaltie of lose of his Caske the one halfe to the Countrey the other to the enformer and this order to bee in force forthwith.

That noe pson within this Gouverment shall furnish any Indian with any Caske vpon the penaltie of the lose of the prise of the Caske the one halfe to the Countrey the other halfe to the enformer.

That all Coopers within this Gouverment are to make all their Caske according to London Gage vpon the like penaltie.

That euery Towne p'sent a fitt pson for serching of Caske and packing of fish and meate and to p'sent them to a maiestrate to bee sworne.

*82 *That all corn that is payed in defraying the publicke Charges of the Countrey be payed att one prise.

It is ordered by this court

That wheras the Purchasers and oldcomers were graunted formerly two or three Tractes of Land for them and their heires as by former actes of court doe appeer, Which they neuer yet for diuers causes enjoyed, and som pte of which said Tractes haue ben granted to other plantations

This court now graunts and giues libertie vnto the said Purchasers and oldcomers that all or whosoever amongst them will shall haue libertie to looke out and make choise of such place or places as they can find within this Gouverment or Jurisdiction not graunted alreddy to any; provided they exceed not their former pporcons) to accomodate them and their heires withall; and they haue liberty graunted them to Purchase the said Lands of the natives by the approbacon of the court; and soe many as shalbee thusse accomodated to relinkquish all their Rights enterest and title in the former specified places made choise of by them, and the rest of the oldcomers and Purchasers to take vp their pticulare pportions of Land within the precintes of the three former speified places; All which to bee pformed by all the Purchasers and oldcomers within fourteen monthes next ensuing this p'sent court.

And alsoe it is further graunted by this p'sent court that all those as were att the courts graunt of the abouemencioned two or three places Inhabitants allowed and now are freemen shall haue the like libertie to looke out and make choise of some place or places for themselues and their heires as may afford them a sufficient accomodacon for their comfortable Subsistance within fourteen monthes after that if they can find it;

It is enacted by the Court that henceforth the Indians within this Jurisdiction bee not pmitted to doe any seruill worke on the Lords day as by fish-

ing fowling planting hilling and carriing of burthens ¶ and if any doe after notice giuen them heerof, they shalbee warned to the next generall court by the Cunstable of the place where they soe Transgresse. [PART I.]

That a common Standard for measure of corn bee made att Plym: videlecet a bushell an halfe bushell a pecke and and halfe pecke by a measure belonging to John Barnes which hath ben formerly allowed to bee the Standard by the court; and that euery Towne within this Gouverment haue a Standard made by them to try and seale theire measures by which are to vniforme amongst them and to bee made round and these to bee prouided by the last of Nouember next; and to bee kept by the seallers of euery Towne for the Townes vse.

*That in euery Towne within this Jurisdiction there bee one appointed to try and seale measures and to haue for euery measure tryed and sealed by him iiij^d and onely round measures to bee allowed to buy and sell by; and the seuerall townes to coose a fitt pson for each towne for sealer and p'sent him to a maiestrate to bee sworne. *83

That the courts of Maiestrates and Deputies haue power as to receiue accounts soe to giue allowance to any pson in publicke place Employed in any publick service for any losse or dammage ¶ hee sustaines as they thinke fitt.

That such ffences as are Judged sufficient against oxen and cowes are by this court allowed sufficient against horses and mares; and if any horse beast breake into any corn or grasse ouer such sufficient ffence the owners of such horses shall pay the damages proued as if they werē Impounded.

That Wheras the publicke charges of the collonie are encreased and wheras by Gods providence many whales and other fishes are cast on shore in many ptes of this Jurisdiction out of which the court sees reason to require som pte of the Oyle made of them

This court now ordereth that of euery whale either cast on shore or bought of any Indian or Indians or taken on drift att Sea and brought to shore in any pte of this Jurisdiction there bee one barrell of marchantable Oyle payed to the publicke Treasury to the collonies vse to bee raised and payed as followeth Of this see more the sixt page forward in this booke.

Videlecet euery towne shall pay one barrell of marchantable oyle for euery drifte whale cast or brought on shore and seized on within the Liber-

[PART I.] ties and precincts of their seuerall townships or Traded or bought of the Indians within their townships; and the person or persons as first seize or cutt any whale or shall purchase or trade any such whales of the Indians that shalbee soe cast on shore in any place within this Jurisdiction; out of the bounds of any pticulare Townshipp shall pay one barrell of oyle for euery such whale; And hee or they are heerby authorised to cause all such persons as cutt with him or them to pay there equall proportions to him according to what they cutt towards the said barrell of oyle and alsoe that there bee one appointed in euery townshipp by the Treasurer to demaund and receiue all such oyle as shalbee due and payable to the Treasury And alsoe that It shall not bee lawfull for any person or persons of any townshipp to cutt themselves or trade with the Indians for any blubber or oyle cast vp or cutt within the precinctes of annother Townshipp provided that If any man take a drift whale of att the sea and bring or tow It to the shore, It bee accounted his owne goods; if within an harbour or mile of the shore they bee taken they bee reputed the townships where they are brought on shore;

*85

*Actes and orders made and concluded
att the court holden att Plymouthe
the 9th of June 1653

IT is ordered by the court
That betwixt this p'sent day and the first Tusday in october next; The townesmen of euery towne within this gouernment shall make and fully finish a place or places for defence of their said towne (one or more as reason shall require) videlecett a brest worke with flankers vnto euery such worke as shalbee made; and incase any person or persons shall refuse to worke att the said worke when the maior pte of the townsmen of such townes where they liue haue agreed for the time and mannor and haue giuen notice therof; their names shalbee then returned to the court or counsell of warr; And if any towne shall neglect to pforme the worke according to this order they shall forfeite the summe of ten pounds to the vse of the countrey.

That incase two comissioners bee chosen and that through age enabillitie for Trauell sicknes or the like they can not appeer at the time and place appointed for that end; That then the next in nomination shall serue vpon order from the Goue^r.

That the publicke officers wages bee paid in such pay as is marchantable and currant countrey pay and not in wampampeag or any such pay as is not

currant with the marchants ; And alsoe that all fines and countrey charges [PART I.]
bee paied in such pay as abouesaid.

That att the time of the entrey of euery action the charges of that action bee defrayed before the action bee entered.

That all such wolues as are killed by any Indian or Indians within the gouernment ; the charge thereof bee borne by the whole countrey.

Added sence att the court June 13th i654 they are to haue ten shillings p wolfe.

That euery pson of the age of descretion which is accounted sixteen yeares whoe shall witingly and willingly make or publish any Lye which may bee pnitius to the publicke weale or tending to the dammage or hurt of any pticulare pson or with entent to deceiue and abuse the people with falce newes or reports and the same duely proued before any one Maiestrate whoe hath heerby power graunted to heare and determine all offences against this Law ; shalbee fined for euery such default ten shillings ; And if the ptie bee vnable to pay then to bee sett in the stockes soe longe as the said Maiestrate shall appoint in som open place not exceeding the space of two houres ;

*June the 10th i654.

*87

Ordered That euery Towne doe prouide a booke for the recording such lands as are possessed by any for which they haue not euidence and all such shall bringe Testimony of Witenesse vnto such as the towne shall appoint to take notice of the said euidence which shalbee fue in number of the same towne, and what the said fue or any three of them, being mett together shall conclude of they shall cause the towne clarke of the same towne to enter the same into the towne booke abouesaid and to bee published that if any within the tearme of two yeare can make better claime shall come in and in case none doe by the time prefixed then it may be brought to the court Record and entered and soe shalbee reputed sufficient euidence for the future ;

The court haue ordered that the Treasurer by vertue of his said office shall take order that all debts due to the countrey whether by fine or otherwise bee seasonably brought in vnto such place or places as hee shall appoint that soe all dues and debts due vnto any pson or psons from the countrey may bee seasonably and satisfactorily defrayed except the public officers wages which is otherwise provided for ;

[PART I.]

Repealed.

~~That noe Inhabitant within this Jurisdiction shall comence any suite in any other Jurisdiction in this countrey against any pson or psons haueing his or theire residence and estate settled within this Gou^rment vnder the forfeite of twise soe much as the debt or dammage is layed in by or vnder the said Inhabitant the defend^ant to haue the one halfe; and the countrey to haue the other halfe of the said forfeite;~~

That incase of weaknes or sicknes of any pson or psons in any towne within this gou^rment; And that such as are deputed to drawe and sell wine or strong waters haue none, It shalbee lawfull for any one that hath any such That they may sell it for such entents and Purposes as to releue the weak and sicke, notwithstanding any former order to the contrary prouided it bee with the liking and approbation of the maiestrate if there bee any in that towne and incase there bee none that then it bee with the consent of the Cunstable of the towne.

In regard that diuers that were chosen to the office of Cunstable, doe not appeer to take oath; It is enacted by the court that any that haue been this yeare chosen by any towne to serue in the office or for the future shalbee and shall refuse to take the oath of the Cunstable being therunto required by any one Maiestrate shall pay for a fine fifty shillings.

*88

*Att the generall Court holden Att
Plymouth the fift of June i655

IT was Enacted That such as shall deney the Scriptures to bee a rule of life shall receiue Corporall punishment according to the descretion of the Maiestrate soe as it shall not extend to life or Limb:

Wheras there hath been many Complaints of want of due maintainance of the minnisters as some haue reported; It is therfore Enacted That noe Pastor or Teacher of any Congregation shall remoue before his Complaint hath been Tendered to the Maiestrates and they haue heard both sides;

That vpon such Complaints if there appeers to bee a reall defect in the hearers of the minnisters soe complaining; the Maiestrates shall vse all gentle meanes to pswade them to doe their duty heerin; But if any of them shall not heerby bee reclaimed but shall psist through plaine Obstinacye against an Ordinance of God that then It shalbee in the power of the Maiestrate to vse such other meanes as may put them vpon their duty;

*Att the 2^{cond} session of the generall Court begun att Plymouth the fift of June i655 and holden att Plym. aforsaid the 2^{cond} of July i655;

[PART I.]

*89

IT was Ordered by the Court

That incase any horses Cattle or hoggs shall Treaspas vpon any and bee by them ympounded If after they are ympounded they remayne four daies after notice giuen to the owners and bee neither repleuied nor agreed for; It shalbee lawfull for such as Impound them to make publicke sale of them after publicke notice giuen of their Intention soe to doe and after dammages satisfied; the remainder to bee returned to the owners;

That all such Scotcs and Irish as are in any Township in this Gou^rment shall beare Armes and Traine as others excepting such as are servants from month to month.

Att the generall court holden att New Plymouth the sixt of June i656

IT is Enacted that an execution shalbee graunted forth att the end of one month after the verdict and Judgment is graunted and not before except the pty bee departing the gou^rment and that when the Marshall goeth to serue the execution the plaintife or his deputie shall goe with him to praisse the goods there distressed And if occation shall require the defendant shall haue liberty to Coose another man; And the Marshall and those two shall appraise the goods or Chattles soe taken, but if the defendant doe Neglect or refuse to make such a choise the Marshall shall Choose a man on his behalfe; and as they or any of them shall prise the goods soe they shalbee by the Marshall then and there deliuered vnto the plaintife or his deputies and the Marshall discharged; And if the said goods come to more then the debt and charges shall amount vnto then the plaintife shall returne the ouerpluse vnto the defendant in countrey pay within six dayes next after hee receiueth the said goods; But if the plaintife liue out of the Gou^rment then hee shall forth with returne the ouerpluse or giue Ceuritie to the defendant to doe it within the said six daies.

The Court haue ordered that henceforth such as are Admitted to bee ffreemen of this Corporation; the deputies of such Townes wher such psons liue shall propound them to the court being such as haue beene alsoe ap-
poued by the ffreemen in that towne wher such psons liue.

*It is ordered by the Court that henceforth noe one shall make sale of any mannor of Barques or boates sayles or other rigging to any Indian or Indians on paine of forfeiting that which is soe sould and ten times the vallue therof;

*90

[PART I.]

It is ordered by the court that none shall sell any horse kind to any Indian or Indians on paine of forfeiting such horses or horse kind that shalbee soe sold and ten times the vallue therof;

It is ordered by the court that all Indians liueing neare any towne of this Jurisdiction shalbee forthwith strictly charged not to make any Alarum in the night by shooting or otherwise vnlesse nessesitated therunto as they will answere it att their prill;

And Likewise that noe Indian shall discharge any gun on the Lords day att any thinge to the breach of the Sabbath and desturbance of the English; as they will answere it att their prill;

It is ordered by the court that none shall sell any horse or mare Coult or foale to any Indian or Indians on paine of forfeiting euery such horse or Mare Coult or foale that shalbee so sold and ten times the vallue therof.

July the 4th 1656.

of this see
more the sixt
page backward
in this booke.

It was ordered by the court that wheras the countrey hath receiued great dammage by a defect in the order about the barrell of oyle due for euery whale taken on drift or cast on shore as is expressed in the said order by leakquage of Caske or otherwise; The court haue ordered that for the future all such oyle as shalbee due and payable as aforesaid shalbee deliuered att Boston viz a full barrell of marchantable oyle for euery whale and the freight therof discharged by those that deliuer it; The said oyle to bee deliuered att Boston to such as the Treasurer shall appoint from yeare to year and a receipt taken from such as to whome it is deliuered shalbee a discharge to those that deliuer It.

Wheras complaint is made that some haue brought Cards into some of the townes of this Jurisdiction wherby sundry young psons mens both children and servants haue ben drawne together to spend their time in playing at such vnlawfull games to the corrupting of youth with sundry other sadd consequences that may follow by the pmission of such practices The court haue ordered that whosoeuer shall bring into this Jurisdiction or keep in his house any Cards for such purposes as abouesaid or shall suffer any to play att Cards or dice att any time in his house or where hee hath to doe or any that shalbee actors in playing att such vnlawfull games shalbee fined the sume of forty shillings; and for such as are servants or Children that shall play att Cards or dice for the first offence to bee corrected att the descretion of their parents or masters and for the second offence to bee publickly whipt;

It was ordered by the court that it shalbee in the liberty of the Treasurer when a month is past after Judgment; by warrant to require in any fine as he shall see reason; [PART I.]

*Att the Generall Court of Election holden Att Plymouth
the third of June Anno i657. 1657.
*91

WHERAS this Generall Court takeing into their serious Consideration the great defect that either is or like to bee in y^e seuerall Townshipes in this Jurisdiction for want of an able Godly Teaching Minnistry and the great prejudice to the soules of many like to Ensue; And being desirouse according to our duties that such defects should not bee for want of due Incurragment to such as either are or shalbee Employed in soe good a worke of the Lord for his honner and the good of soules And in consideration that in asmuch as the seuerall Townshipes graunted by the Gou^rment; was that such a Companie might bee receiued as should maintaine the Publicke worships and seruice of God there doe therefore judge that the whole both Church and towne are mutually Ingaged to Support the same; And therefore Order and agree That in whatsoever Township there is or shalbee an able Godly Teaching Minnister which is approued by this Gou^rment that then four men bee Chosen by the Inhabitants or Incase of their Neglect Chosen by any three or more of the Majestrates to make an equall and just proportion vpon the estates of the Inhabitants according to their abilities to make vp such a Convenient maintenance for his Comfortable attendance on his worke as shalbee agreed vpon by the Church in each township where any is with the Concurrance of the Rest of the Inhabitants if it may be had or by the Majestrates aforesaid incase of their apparent Neglect and that distresses according as in other Just Cases provided bee made vpon such as refuse to pay such their proportions which is in Justice due But Incase there bee any other way wherby any township doe or shall Agree that may effect the end aforesaid this law not to bee binding to them.

Ordered by this Court

That all fines vnder forty shillings that shall fall in any of the remote Townes of this Gou^rment shalbee leuied by the Cunstable of that Towne by Warrant from the Tresurer without sending the Marshall;

*It is ordered by the court

*92

That the Milletary companie of euery Township in this gouernment shall bring their armes by course euery Lords day to the meeting viz. that the fourth pte of euery such companie shall bring their armes as aforesaid with

[PART I.] powder and bullett to Improue if occation shall require and whoesoener shall neglect to cary his Armes as aforsaid shall bee fined twelue pence for euery default to be leuied by the Cun. of the towne for the companies vse ; and the time of caring of armes to begine on the first of Aprill vntill the last of Nouember Anually ;

1657.

*June 3^d 1657.

*93

The Court haue ordered

That all such as reside within this Gou^rment that are att their owne despose and haue not taken the oath of fidelitie shall haue notice giuen them by the deputies of the seuerall Townes that they are to repaire vnto some one of the Majestrates of this Jurisdiction betwixt the date heerof and the Court to bee holden att Plymouth the first Tusday in October next and incase after the time prefixed any shall refuse to take the said oath for the space of six monthes after shall either depart the Gou^rment or pay a fine of fise pounds.

It is ordered by the Court ;

That Incase any shall bring in any quaker rantor or other Notorouse heritiques either by land or water into any pte of this Gou^rment shall forthwith vpon order from any one Majestrate returne them to the place from whence they came or clear the Gou^rment of them on the penalltie of paying a fine of twenty shillings for euery weeke that they shall stay in the Gou^rment After warninge ;

The Court doe recomend vnto the seuerall townes in this Jurisdiction by their Committees as that which is worthy of their Consideration ; that it is Nessesary to trayne vp some horses ffor milletary service ; viz That in each Towne euery one that keepeth three Mares for euery three mares that hee keepeth hee should keep a horse for the vse aforsaid with furniture suitable ; w^h incase they should soe doe they should bee freed from all milletary service as training and watching and such like ;

Repealed.

This order was made June 3^d 1656 but the last clause therof was aded June 3^d 1657.

The Court haue ordered That henceforth such as are admitted to bee ffreemen The deputies of such Townes as where such psons liue shall pound them to the Court being such as shalbee alsoe approoued of by the ffreemen in such Townes where they liue and vpon Satisfying Testimony giuen from the ffreemen of their towne by their deputies such to bee forthwith receiued without any further delay att the same Court when such Testimony is giuen vnlesse the

x x x x x x x x

PLYMOUTH RECORDS.

Laws.

PART II.

***T**HE Booke of the Generall Lawes and
Liberties of the Inhabitants of the Ju-
risfdiction of New Plymouth Collected
out of the Records of the generall Court; and
lately Reuised and establiſhed and deſpoſed into
an Alphabeticall order and publiſhed by the
Authoritie of the generall Court held att New
Plymouth the 29th day of September :
Ann^o i658

[PART II.]

•1

Bee Subject to euery
ordinance of Man for
the Lords sake

1 peter 2^{cor} 13th

[PART II.]

*2

* **T**O our beloued Bretheren and Neighbours the Inhabitants of the Jurisdiction of New Plymouth the Gou^r: Assistants and Deputies Affsembled att the generall Court of that Jurisdiction held att the towne of Plymouth the 29th of September i658, wisheth Grace and peace in our Lord Iesus Christ.

i658

IT was the great priuillidge of Israell of old and soe was acknowlidged by them Nehemiah the 9th and 13. that God gaue them right Judgments and true Lawes ; for God being the God of order and not of confusion hath Comaunded in his word and put man into a Capasitie in some measure to obserue and bee guided by good and wholesome lawes ; which are soe fare good and wholesome as by how much they are deriued from and agreeable to the Ancient platforme of Gods lawe ; for although sundry pticulares in the Juditiall lawe which was of old Injoynd to the Jewes did more espetially (att least in some cercomstances) befitt their pedagogy ; yett are they for the mayne soe exemplary being grounded on principles of morall equitie as that all men Christians espetially ought alwaies to haue an eye thervnto in the framing of their politique Constitutions ; and although seuerall of the heathen Nations whoe were Ignorant of the true God and of his lawe haue bine famous in their times for the enacting and execution of such lawes as haue proued profitable for the Gou^rment of their Comonwealthes in the times wherin they liued Notwithstanding their exelency appeered soe fare as they were founded vpon grounds of morall equitie which hath its originall from the Law of God ; And accordingly wee whoe haue bine actors in the framing of this Smale body of lawes together with other vsefull Instruments whoe are gone to their rest ; can safely say both for our selues and them that wee haue had an eye principally and primarily vnto the aforsaid platforme ; and 2condarily vnto the Right Improuement of the liberties graunted vnto vs by our Superiors the State of England att the first begining of this infant plantation which was to enact such lawes as should most befitt a State in the nonage therof ; not rejecting or omitting to obserue such of the lawes of our Natiue Countrey as would conduce vnto the good and growth of soe weake a begining as ours in this Wildernes ; as any Impartiall eye Not forstaled with prejudice may ezely deserue in the pusall of this smale booke of the lawes

of our Collonie; The p^rmisses duely considered might worke euery consiencious sperit to faithfull obeidience, And although wee hold and doe afeirme that both Courts of Justice and majestates whoe are the minnesters of the lawe are esentially Ciuill; Notwithstanding wee conceiue that as the majestrate hath his power from God soe vndoubtedly hee is to Improue it for the honer of God and that in the vphoulding of his Worship and seruice and against the contrary with due respect alsoe to bee had vnto those that are really consiencyous though differing and decenting in som smaller matters; but if any really or in pretence of consience shall professe that which eminently tendeth to the Invndation of Ciuell State and violation of Naturall bonds or the ouerthrow of the churches of God or his worship that heer prudence is to bee Improued in the enacting and execution of lawes; It hath bine our Indeaour in the framing of our lawes that nothing should bee found amongst them but what will fall vnder the same pticulares wee haue likewise reduced them to such order as they may most conduce to our vtillitie and profit; possibly it may bee that weaknes may appeer in the composure of sundry of them for want of such plenty of able Instruments as others are furnished withall; howeuer lett this suffice the gentle Reader that our ends are; to the vtmost of our power in these our Indeaours to promote the comon good both of Church and State both att p^rsent and for future; and therefore soe fare as wee haue aimed att the glory of God and comon good and acted according to God, bee not found a Resister but obeidient lest therby thow resist the ordinance of God and soe Incurr the displeasure of God vnto damnation; Romans 13; 2.

By order of the Generall Court

NATHANEELL MORTON Clarke;

[PART II.]

*3

*A Declaration demonstrating the warrantable grounds and proceedings of the first Associates of the Gou'ment of New Plymouth in their laying the first foundation of the Gou'ment in this Jurisdiction for the making of Lawes and disposing of lands and of all such things as shall or may Conduce to the welbeing of this Corporation of New Plymouth:

WHERAS John Carver Wilkam Bradford Edward Winslow Wilkam Brewster Isaake Allerton and diuers others of the Subjects of our late Sou: Lord Kinge James by the grace of God King of England Scotland France and Ireland Defender of the faith &c did in the eighteenth yeare of his Reigne of England France and Ireland, and of Scotland the fifty fourth which was in the yeare of our Lord God one thousand six hundred and twenty *did* vndertake a voyage into that pte of America called Verginia or New England thervnto adjoyning there to erect a plantation and collonie of English Intending the glory of God the Inlargment of his Ma^{ties} dominions and the speciall good of the English Nation;

And wheras by the good prouidence of God the said John Carver Wilkam Bradford Edward Winslow Wilkam Brewster Isaacke Allerton; and their Associates ariued in New England aforsaid in the harbour of Cape Cod or Paomett Scittuate and being in New England aforsaid where all the said psons entered into a Ciuill Combination being the eleventh of Nouember in the yeare aformencioned as the Subjects of our said Sou: Lord the Kinge to become a body politique binding ourselues to obserue such lawes and ordinances and obey such officers as from time to time should bee made and Chosen for our wellordering and guidance; and thervpon by the fauor of the Almighty began the first Collonie in New England there being then noe other within the said Conteynant att a place Called by the Natiues Apavm alli^e Patuxet and by the English New Plymouth; all which lands being void of Inhabitants; Wee the said John Carver Wilkam Bradford Edward Winslow Wilkam Brewster Isaake Allerton and the rest of our associats entering into

*4 a league of peace with Massasoiett since called Woosamequin *Prince or Sachem of these ptes; hee the said Massasoiett freely gaue them all the lands adjacent to them and their heires for euer; acknowledgging himselfe content to become the Subject of our Sou: Lord the Kinge aforsaid his heires and Successors; And takeing protection of vs the said John Carver Wilkam Bradford Edw: Winslow Wilkam Brewster Isaacke Allerton and their associates the naturall Subjects of our Sou: Lord the King aforsaid but haueing

noe speciall letters Pattents for the said ptes of New England but onely the generall leaue and libertie of our Consiences in the Publicke Worship and service of God where euer wee should settle being therfore now settled and requireing speciall lycence and Comission from his Ma^{tie} for the ordering our affaires vnder his gratiouse protection ; had sundry Comissiones made and con- feirmed by his said Ma^{ties} Councell for New England to John Peirse and his associates whose names wee onely made vse of and whose associates wee were in the late happy & memorable Raigne of our said Sou: Lord King James ; but finding our selues still Straightened ; and a willingnes in the hono^{ble} Coun- cell aforsaid to Inlarge vs ptely in regard of the many difficulties wee had vndergone, and ptely in regard of the good seruice wee had done as well in releiueing his Ma^{ties} Subjects as otherwise ; wee procured a further Inlarge- ment vnder the Name of Wiltam Bradford aforsaid and his Associates whose names wee likewise vsed and whose associates as formerly wee still are ; by vertue of which said letters patents libertie is giuen to vs deriuatory from our Sou: Lord King Charles bearing date the thirteenth of January 1629 being the fift yeare of his raigne of England Scotland ffrance and Ireland 23 and signed by the Right hono^{ble} Robert Earle of Warwicke in the behalfe of his Ma^{ties} said Councell for New England and Sealed with their Comon Seale allowed ; To frame and make orders ordinances and Constitutions for the ordering disposing and Gofning of our psons and distributing the lands within the said Lymitts ; To bee holden of his Ma^{ties} his heires and Successors as of his manor of East greenwich in the County of Kent in free and Comon Soccage and not in Capite nor by Knightes service, viz: all that pte of New England in America and tract and tracts of Lands that lye within or between a certaine Rivolett or Rundlett there and comonly called Coahassett alīs Cona- hassett towards the North and the River comonly called Narragansett River towards the south and the great Western Ocean towards the East and between and within a straight line directly extending into the maine towards the west from the mouth of the said Riuer called Narragansett Riuer to the vtmost bounds and Lymetts of a Countrey or place in New England called Pocanacutt alīs Puckanackicke *alīs Sowamsett westward and another like straight line extending it selfe directly from the mouth of the said Riuer called Coahassett alīs Conahassett towards the west so fare vp into the maine land westwards as the vtmost lymetts of the said place or Countrey comonly called Pokanacutt alīs Puckenackicke alīs Sowamsett doth extend together with one halfe of the said Riuer called Narragansetts and the said Rivolett or Rundlett called Coahassett alīs Conahassett ; and all Lands Riuers waters hauens creekes ports fishings fowlings and all hereditiments proffitts Comodi-

[PART II.]

*5

[PART II.]

ties and emoluments whatsoever Scittuate lying and being or arising within or between the said Lymetts or bounds or any of them ; furthermore all that tract or pte of land in New England or pte of America aforesaid which lyeth within or between and extendeth it selfe from the vtmost lymetts of Cobbi-secontee atis Comasecontee which adjoyneth to the Riuer of Kennebecke atis Kennebekicke towars the western Ocean and a place called the falls at Nequamkicke in America aforesaid and the space of fifteen English miles on each side the said Riuer comonly called Kennebeck Riuer and all the said Riuer called Kennebecke that lyeth within the said Lymetts and bounds Eastwards Westwards Northwards and Southwards last aboue mencioned ; and all lands grounds soyles Riuers waters fishings hereditiments and proffitts whatsoever Scittuate lying and being arising happening or acrewing or which shall arise happen or acrew in or within the said Lymetts or bounds or either of them together with free Ingresse Egresse and Regresse with shippes boats Shallops and other vessells from the Sea comonly called the Western Ocean to the Riuer called Kennebecke and from the said Riuer to the said Western Ocean ; Together with all prerogatiues Rights Royalties Jurisdictions priuiledges franchises liberties and emunities and also marine liberties with the escheates and casualties therof ; the Admiraltie Jurisdiction excepted with all the Interest right title claime and demaund whatsoever which the said Councell and their Successors now haue or ought to haue or may haue or require heerafter in or to any of the said portion or tract of lands heerby mencioned to bee graunted or any the pmisses in as free large ample and beneficiall manor to all Intents constructions and purposes whatsoever as the said Councell by vertue of his Ma^{ties} said lres may or can graunt ; To haue and to hold the said Tract and Tracts of land and all and singulare the pmisses aboue mencioned to bee graunted with their and euery of their appurtenances ; To the said Wiltam Bradford his heires Associates and assignes for euer to the onely proper and absolute vse and behoofe of the said Wiltam Bradford his heires associates and assignes for euer yeilding and paying vnto our said Sou: Lord the Kinge his heires and Successors for euer one fift pte of the Oare of the mines of Gold and siluer and one other fift pte therof to the Presedent and Councell which shalbee had possessed and obtained *within the precincts aforesaid for all seruices and demaunds whatsoever allowing the said Wiltam Bradford his associates and assignes and euery of them his and their agents tenants and servants and all such as hee or they shall send or Employ about his said pticular plantation shall and may from time to time freely and lawfully goe and returne trad or traffick as well with the English as any the Natiues within the precincts aforesaid ; with libertie of

*6

fishing vpon any pte of the sea coast and sea shores of any the seas or Ilands adjacent and not being Inhabited or otherwaies desposed of by order of the said President and Councell forbiding all others to Traffick with the Natiues or Inhabite in any the said Lymetts without the speciall leaue of the said Wiltam Bradford his heires and associates; and allowing the said Wiltam Bradford his heires and Associates to take apprehend seize and make prise of all such psons their Shipps and goods as shall attempt to Inhabite or trad with the Salvage people as aforsaid;

[PART II.]

Morouer Wheras in the first begining of this Collonie diuers marchants and others of the Citty of London and else where aduentered diuers summes of money with the said John Caruer Wiltam Bradford Edward Winslow Wiltam Brewster Isaake Allerton and the rest of theire associates on certaine tearmes of ptenership to continew for the tearme of seauen yeares; the said tearme Being expired the said plantation by reason of the manyfould losses and crosses by sea and land in the begining of soe great a worke being largely Indebted and noe meanes to pay the said debts but by the sale of the whole and the same being put to sale; Wee the said Wiltam Bradford Edward Winslow Wiltam Brewster Isaack Allerton and other our associates the Inhabitants of New Plymouth and elsewhere being loth to bee depriued of our labours bought the same for and in consideration of eighteen hundred pounds sterling viz: all and singulare the priuiledges lands goods Chattles ordinance amunition or whatsoever appertained to the said plantation or the aduenterors with all and singulare the priuiledges therunto belonging as appeereth by a deed between the said Isaake Allerton then agent for the said Wiltam Bradford and his Associates on the one pte; and John Pococke Robert Keine Edward Basse James Sherley and John Beachamp on the other pte being therunto deputed by the said marchants and the rest aduentering as aforsaid as appeereth by A Deed bearing date the sixt of Nouember in the third yeare of the Raigne of our Sou: Lord Charles by the Grace of God Kinge of England Scotland ffraunce and Ireland 23 Ann^o Domⁱ. 1627 one thousand six hundred twenty and seauen; Bee it Knowne therfore vnto all men by these psents that according to our first Intents for the better efecting the glory of God, The Inlargement of the dominions of our said Sou: Lord the Kinge, and the speciall good of his Subjects by vertue as well of our Combination aforsaid as also the seuerall graunts by us procured *in the Names of John Peirse and Wiltam Bradford theire heires and associates together with our lawfull right in respect of vacancye donation or Purchase of the Natiues and our full purchase of the aduenterers before expressed; haue giuen vnto and allotted assigned and graunted to all & euery pson and psons whose Name or Names shall follow

[PART II.] vpon this publicke Record such proportion or proportions of Grounds with all and singulare the priuiledges thervnto belonging as aforsaid to him or them his or their heires and Assignes Successiuelly for euer to bee holden of his Ma^{ties} of England his heires and Successors as of his manor of East greenwich in the Countey of Kent in free & comon Sockage and not in Capitie nor by Knights Service yeilding and paying to our said Sou: Lord the Kinge his heires and Successors for euer one fift pte of the Oare of the mines of Gould and siluer and one other fift pte to the p̄sedent and Cōuncell which shalbee had possesed and obtained as aforsaid and whatsoeuer lands are graunted vnto any by the said Willam Bradford Edward Winslow Willam Brewster Isaack Allerton or their heifes or Associates as aforsaid being acknowledged in publicke Court and brought to this booke of Records of the seuerall Inheritances of the Subjects of our Soueraigne Lord the King within this Goūment; It shalbee lawfull for the Gou^r of New Plymouth aforsaid from time to time Successiuelly to giue vnder his hand and the Comon Seale of the Goūment a Coppy of the said Graunt soe Recorded Confeirming the said lands to him or them his or their heires and assignes for euer with the seuerall bounds and Lymetts of the same which shalbee Sufficient Euidence in law from time to time and att all times for all Intents and purposes; the said pte or pties his or their heires or assignes for euer; To haue and to hold the said portion of lands soe graunted bounded and recorded as aforsaid with all and singulare the Apurtenances thervnto belonging to the onely proper & Absolute vse and behoofe of the said pte or pties his or their heires and Assignes for euer;

November 15,
1636. *8 *Wee the Associates of New Plymouth coming hether as freeborne Subjects of the State of England Indowed with all and singulare the priuiledges belonging to such being Assembled Doe ordeine constitute and enacte that noe acte Imposition law or ordinance bee made or Imposed vpon vs att p^rsent or to come but such as shalbee made and Imposed by consent of the body of the Associates or their Representatives legally assembled, which is according to the free liberties of the State of England;

1636. It is further enacted
That all our Courts bee kept att the Towne of Plymouth except the Gou^r and Assistants shall see Reason to keep som Courts of Assistants elsewhere within this Gou^rment.

1642.
1658. Wheras by the first Associates of this Gou^rment the Courts of Election were held in the month of January Anually and afterwards in the month of

March Anually; By reason of the vnseasonableness of those times of the
 yeare; It is enacted by the Court and the Authoritie therof That the elec- [PART II.]
 tion Courts bee holden the first Tusday in June Anually; And the other
 Generall Courts bee holden the first Tusday in October and the first Tusday
 in March Anually; and that the Courts of Assistants bee holden the first
 Tusday in August the first Tusday in December the first Tusday in febrew-
 ary and the first Tusday in May Anually.

It is enacted by the Court and the Authoritie therof that all such as i658.
 shalbee admitted freemen of this Corporation shall stand one whole yeare
 propounded to the Court viz: to bee propounded att one June Court and to
 stand soe propounded vntill the June Court following and then to bee
 admitted if the Court shall not see cause to the Contrary.

Wheras A Comittee was chosen viz: M^r Tho: Prence M^r Willam Coll- June i650.
 yare M^r Tho: Dimmacke M^r James Cudworth M^r Josias Winslow John
 Dunham seni^r. Gorge Soule and Constant Southworth to consider of the
 proposition propounded by the deputies att the Court held in October i650
 concerning the major pte of the Courts to order the adjournments and desolu-
 tions of the generall Courts and the makeing and repealing of lawes they the
 said Comittee declared their minds to bee that matters in the aforesaid respects
 to rest vnaltered as they were and that for the future as formerly in the
 makeing and repealing of lawes and adjournment of Courts wherein Comittees
 are requisite the majestates and deputies bee considered as one body.

*Wheras diuers actes and orders touching the making and repealing of Sept: 29, i658.
 lawes att June Courts and the adjournments therof is rendered with a dubiouse *9
 Interpretation; and this Court haueing by propositions to the freemen of the
 seuerall Townships desired their answares in order to the regulateing therof
 but not receiueing any answare from sundry of them haue seen cause to
 declare their owne sence therof and therfor doe enact That fitt and able
 psons bee anually chosen out of the freemen to attend June courts and the
 seuerall adjournments therof by the approued Inhabitants quallified as in such
 case is provided of this Jurisdiction in their respectiue townships for depu-
 ties vnto whom with the majestates as the body Representatiue is comitted
 full power for the makeing and repealing of all lawes as vpon their seriouse
 considerations they shall find meet for the publicke weale of this Jurisdiction
 and that then onely such lawes bee enacted or repealed except the Gou^r for
 the time being shall see waightey and nessesary cause by the complaint of the

[PART II.] ffreemen or otherwise to call a speciall Court either of the whole body of the ffreemen or theire deputies ; the ffreemen of this Jurisdiction being left to theire liberties to send theire voate by proxey for the choise of Gou^r Assistants Comissioners and Treasurer in such way as by order of Court is alreddy provided and this order to stand in full force till the whole body of ffreemen shall take further order therin ; It is alsoe further provided that vpon notice giuen in an orderly way to the Gou^r by the major pte of the ffreemen of this Jurisdiction of theire apprehensions of a nessesitie of the body of ffreemen to come together ; then the Gou^r for the time being shall take the first oppertunitie to Summon in the body of ffreemen to aduise and acte ther as the matter shall require ;

*10

*The Oath of a ffreeman.

Nouem. i636.

You shalbee truely Loyall to ~~the p^{re}sent State and Gou^rment of Eng~~
~~land.~~ ^{our Sou^r Lord the King his heires and Successors} You shall not speake or doe deuise or aduise Any thinge or thinges Acte or Actes directly or Indirectly by Land or Water that doth shall or may tend to the destruction or ouerthrow of these p^rsent plantations or Townshipes of the Corporation of New Plymouth neither shall you suffer the same to bee spoken or done but shall hinder oppose and descouer the same to the Gou^r And assistants of the said Collonie for the time being ; or some one of them ; you shall faithfully Submitt vnto such good and wholesome Lawes and ordinances as either are or shalbee made for the ordering and Gou^rment of the same ; and shall Indeuor to aduance the growth and good of the seuerall townshipes and plantations within the Lymetts of this Corporation by all due meanes and courses ; All which you p^rmise and Swcare by the Name of the great God of heauen and earth simply truely and faithfully to p^rforme as you hope for healp from God who is the God of truth and the punisher of falchood.

Nouem. i636.

It is enacted by the Court and the Authoritie therof ; That on the first Tusday in June anually there shalbee a Gou^r and seauen Assistants chosen to Rule and Gouverne the said plantations and Townshipes within the Lymetts of this Corporation and this election to bee made onely by the ffreemen therof ;

Nouem. i636.

And that the Gou^r in due season by warrant directed to the seuerall Cunstables in the Name of his ^{Ma^{ty}} ~~highnes~~ ^{highnes} ~~aforesaid~~ giue warning to the ffreemen either to make their psonall appeerance att the Courts of election or to send theire voates by proxey for the choise of officers according to the following order ; and that all our Courts warrants Summons and comaunds bee all done directed and made in the Name of ^{our Sou^r Lord the King} ~~his highnes the Lord Protector of~~
~~England &c.~~

*Whereas in regard of age disabilletie of body vrgent occations and other Inconveniencies that doe acrew sundry of the ffreemen are hindered that they can not appeer att Courts of election, In consideration wherof it is enacted by the Court and the Authoritie therof that any freeman of this Corporation shall haue libertie to send his voate by proxey for the choise of Gou^r Assistants Comissioners and Treasurer; And that the deputies of the seuerall townes chosen to attend the Courts of election and the seuerall adjourments therof shall in the towne meeting in which they are chosen they or either of them giue notice vnto the freemen that those that Intend not to make theire psonall appeerance att the Court of election are now to giue in theire voates Sealed vp for the chosing of Gou^r Assistants Comissioners and Treasurer; and the said deputies to obserue by a list of theire Names whoe hath voated and whoe hath not; The which voates soe brought in to bee ymmediately Sealed vp and brought vnto and deliuered in open Court by the said deputies.

[PART II.]

1641.

*11

It is enacted by the Court that att Courts of election the voates of all the ffreemen p^rsent bee first read and Next after them the deputies of the seuerall townes shall orderly p^rsent the proxey of theire owne towne.

1658.

It is enacted by the Court and the Authoritie therof that other public officers besides Gou^r and Assistants bee chosen and established att the Court in June Anually viz: Comissioners and Treasurer; and that other Inferior officers; as Cunstable grandjurymen and Survayors for the highwaies bee then alsoe confermed if approued by the Court.

1658.

It is enacted by the Court and the Authoritie therof that incase there shalbee occasion for a Corroner that the Next majestrate where such accident falls shall sitt as Corrowner and execute that office according to the Custome of England as near as may bee.

1660.

It is enacted by the Court and the Authoritie therof that all our Courts summons and comaunds bee all done directed and made in the Name of his Ma^{ty} of England our dread Sou^r and alsoe that all Ciuill officers and ministers of Justice in this Jurisdiction to be sworne in his said Ma^{ties} name and alsoe that the oath of fidelitie and all other oathes shall goe in that tenure.

1660.

*The office of the Gou^r:

*12

The office of the Gou^r for the time being consisteth in the execution of such lawes and ordinances as are or shalbee made and established for the good of this Corporation according to the bounds and Lymitts therof viz: in calling

1636.

[PART II.] together or aduising with the Assistants or Councell of the said Corporation vpon such matteriall occations (or soe seeming to him) as time shall bring forth, In w^h Assembly and all other the Gou^r to propound the Occation of the Assembly and haue a double voyce therin ; if the Assistants Judge the case to great to bee decided by them and refer it to the Generall Court then the Gou^r to Summon a Court by warning all the ffreemen that are then extant ; as alsoe incase the major pte of the ffreemen seeing waighly cause for the whole body to meet together and in an orderly way acquaint him with theire desires therof ; Then hee shall Summon the whole body of ffreemen together with all convenient Speed ; and there alsoe to propound causes and goe before the Assistants in the examination of pticulares and to propound such Centance as shalbee determined ; further It shalbee lawfull for him to Arrest and comitt to Ward any offenders ; provided that with all Convenient Speed hee shall bring the cause to hearing either of the Assistants or generall Court according to the nature of the offence ; Alsoe it shalbee lawfull for him to examine any suspicious psons for euill against the Collonie as alsoe to Interrupt or oppose such letters as hee conceiueth may tend to the ouerthrow of the same ; and that this office continew one whole yeare and noe more without renewing by election ;

*13

*The Oath of the Gou^r:

1636.

You Shalbee truely Loyall to ^{our Sou^r Lord King Charles his heires and Successors} ~~the present State and Gou^rment of England~~ . Alsoe according to that measure of Wisdome vnderstanding and deseruing giuen vnto you shall *shall* faithfully Equally and Indifferently without respect of psons Adminnester Justice in all Cases coming before you as the Gou^r of New Plymouth ; You shall in like manor faithfully duely and truely exequite the Lawes and ordinances of the Same ; And shall laboure to Advance and further the good of The Townshipes and plantations within the Lymitts therof to the vttermost of your power and oppose any thing that shall seeme to hinder the same Soe heelp you God whoe is the God of truth and the punisher of falshood.

*14

*The Office of Anⁿ Assistant.

1636.

The office of an Assistant for the time being consisteth in appeering att the Gou^rnors Summons and in giueing his best advise both in publicke court and private Councell with the Gou^r for the good of the seuerall Townships and plantations within the lymetts of this Gou^rment ; not to disclose but to keep secrett such thinges as concerne the publique good and shalbee thought meet to bee concealed by the Gou^r and Councell of Assistants in haueing a

special hand in the examination of publicke offenders and in contriueing the affaires of the Collonie to haue a voyce in the censuring of such offenders as shalbee brought to publicke Court; That if the Gou^r haue occation to bee absent from the Collonie for a short time by the Gou^r with concent of the rest of the Assistants hee may bee deputed to Gouverne in the absence of the Gou^r alsoe it shalbee lawfull for him to examine and comitt to ward where any occation ariseth where the Gou^r is absent provided the pson bee brought to hearing with all convenient Speed before the Gou^r and the rest of the Assistants; alsoe it shalbee lawfull for him in his ^{Ma^{ty}} ~~highnes~~ Name to direct his warrants to any Cunstable within the Gou^rment whoe ought faithfully to execute the same according to the Nature and tenure therof and may bind ouer psons for matters of crime to answere att the next ensueing Court of his said ^{Ma^{ty}} ~~highnes~~ after the fact comitted or the pson apprehended;

[PART II.]

*The Oath of an Assistant.

*15

You shall all sweare to bee truly Loyall to ^{our Sou^r Lord King Charles his heires and Successors} ~~the p^rsent State and Gou^rment of England alsoe you~~ you shall faithfully truly and Justly according to the measure of deserning and descretion God hath giuen you bee Assistant to the Gou^r for this p^rsent yeare for the execution of Justice in all cases and towards all psons coming before you without pciallitie according to the Nature of the office of an Assistant read vnto you; Morouer you shall dilligently duely and truly see that the Lawes and ordinances of this Corporation bee duely executed and shall labour to Advance the good of the seu-erall plantations within the lymetts therof and oppose any thinge that shall hinder the same by all due meanes and courses Soe heelp you God whoe is the God of truth and punisher of falshood;

1636.

*It is enacted by the Court and the Authorite therof that the Gou^r and two of the Assistants att the least shall as occation shalbee offered in time convenient determine in such triviall cases viz. vnder forty shillinges between man and man as shall come before them as alsoe in offences of smale Nature shall determine doe and execute as in wisdom God shall direct them;

*16

1636.

It is enacted by the Court and the authoritie therof

That att euery election Court some one of the Assistants or some other sufficient man bee chosen Treasurer for the yeare following whose place it shalbee to demaund and receiue in whatsoever sume or sumes shall appertaine to the Royaltie of the place either coming in by way of fine Amercement or

1636.

[PART II.] otherwise and shall Improve the same for the publicke benefitt of this Corporation by order of the Gou^rment.

1644. It is further enacted by the Court that the Treasurer shall att the election Courts Anually giue in his accounts of his receipts and paiments for his yeare to any that the Court shall appoint and to bee entered vpon Record and thervpon to bee discharged.

1654. It is likewise enacted by the Court that the Treasurer by vertue of his said office shall take order that all debts due to the Countrey bee seasonbly brought in vnto such place or places as hee shall appoint that soe all dues and debts due vnto any pson or psons from the Countrey may bee seasonably and Satisfactorily defrayed except the publice officers wages which is otherwise provided for.

1658. It is enacted by the Court that it shalbee in the libertie of the Treasurer after a month is past after Judgment by his warrant to require in any fine as hee shall see reason ;

Whereas the Court haue taken notice that diuers of the ffreemen of this Corporation doe neither appeer att Courts of election nor send their voates by proxy for the choise of majestrates ¶ It is enacted by the Court and the authoritie therof That whosoever of the ffreemen of this Corporation that shall not appeer att the Court of election att Plymouth in June anually nor send their voate by proxy according to order of Court for the Choise of Gou^r Assistants Comissioners and Treasurer shall be fined to the Collonies vse the sume of ten shillings for euery such default ; vnlesse some vnavoidable Impediment hinder such in their appeerance.

Memorand that an oath bee formed for the Treasurer and next entered.

*17

*The oath of the Treasurer.

1639. You shall faithfully serue in the office of the Treasurer in the Jurisdiction of New Plymouth for this p^rsent yeare during which time you shall diligently enquire after demaund and receiue whatsoever sum or sumes shall appertaine to this Gou^rment ; arising by way of fine amersment Royaltie or otherwise and shall faithfully Improve the same for the vse of the Gou^rment and according to order dispose therof as occasion shall require you shalbee redy to giue in a true account vnto the Court of your actings in your said office yearly att June Courts ; Soe heelp you God ¶.

The oath of a Grandjuryman.

[PART II.]

You shall true p'sentment make of all thinges giuen you in charge you shall p'sent Nothing of Mallice or illwill your owne Councell and your fellows in reference to this oath you shall well and truly keep soe healep you God.

*The oath of the Clarke of the Court.

*18

You shall faithfully serue in the office of the Clarke of the Court for the Jurisdiction of New Plymouth You shall attend the Generall Courts held for this Gou'ment att Plymouth Aforsaid and the seuerall Adjournments therof; and the Courts of Assistants and there Imploy youerselfe in such occations as are behoofull to your said place and office you shall likewise Attend such other meetings of the majestates of like Nature as aboue expressed that shall or may fall out in the Interims of time betwixt the said Courts you shall not disclose but keep secrett such things as concerne the Publicke good and shalbee thought meet to bee Concealled by the Gou'r and Councell of Assistants You shall faithfully Record all such thinges as you shall haue order from Authoritie to Comitte to publicke Record and shall faithfully keep the publicke Records of this Jurisdiction Soe healep you God who is the God of truth and the punisher of falshood;

1658.

It is enacted by the Court and the Authoritie therof that the Clarke of the Court shall haue twenty pounds p annum besides his ordinarie fees Allowed by the Court;

1641.

*The fees of the Clarke of the Court
allowed and agreed vpon by the Court.

1641.

*19

Imp ^r . for euery Recognizance of the peace ij ^s the takeing	}	-	00.	04.	00	To the Cryer four pence.
and ij ^s . the releasing						
For a Recognizance for the good behauior 4 ^s takeing	}	-	00.	08.	00	To the Cryer 8d.
and 4 ^s the releasing						
For a warrant of the peace or any other graunted by the Court			00.	02.	00	
for a warrant of the good behauior	-	-	-	-	-	00. 04. 00
for a Coppy of an order	-	-	-	-	-	00. 02. 00
for an Inditement	-	-	-	-	-	00. 02. 00
for a Repleuin	-	-	-	-	-	00. 02. 06
for entering of an action	-	-	-	-	-	00. 00. 06
for a declaration	-	-	-	-	-	
for a warrant to Summon a Jury	-	-	-	-	-	00. 00. 06

[PART II.]	for an Answere	-	-	-	-	-	-	-	-	
	for recording the verdict	-	-	-	-	-	-	-	-	00. 01. 06
	for an ordinary warrant from the Gou ^r	-	-	-	-	-	-	-	-	00. 00. 06
	for recording a bargaine or giuft of house or lands	-	-	-	-	-	-	-	-	00. 02. 06
	for entering a bargaine of beasts or Cattle	-	-	-	-	-	-	-	-	00. 00. 06
	for entering and drawing a cobby of an euidence of land									} 00. 05. 00
	graunted by the Court	-	-	-	-	-	-	-	-	
	for regestring a will	-	-	-	-	-	-	-	-	00. 02. 06
	for regestring the Inventory	-	-	-	-	-	-	-	-	00. 02. 06
	for a Suppena for Witnesses	-	-	-	-	-	-	-	-	00. 00. 06
	for entering a graunt of lands by the Court of Assistants	-	-	-	-	-	-	-	-	00. 01. 00
	for a serch of an order Will &c	-	-	-	-	-	-	-	-	00. 00. 04
	for a cobby of a will	-	-	-	-	-	-	-	-	00. 01. 00
	for a cobby of an Inventory	-	-	-	-	-	-	-	-	00. 01. 00
	for entering a freeman	-	-	-	-	-	-	-	-	00. 00. 06
	for recording of a marriage	-	-	-	-	-	-	-	-	00. 00. 06
	for recording of Contracts for servants	-	-	-	-	-	-	-	-	00. 00. 04
	for makeing an execution	-	-	-	-	-	-	-	-	00. 01. 06

*20

*The office and oath of the Cheife Marshall.

1652.

You shalbee reddey to attend the Generall Courts and theire seuerall adjourments and the Courts of Assistants and alsoe the Court of Comissioners when they meet in this Gou^rment and the Gou^rs pson especially att those Courts You shall faithfully with what speed you may collect and gather all such fines and sumes of money you shall haue warrant soe to doe by the Gou^r or any of his Assistants; and shall with like dilligence leuy the goods of any pson for which you shall haue Warrant soe to doe by any execution graunted by the Court and that the same soe collected or leuied you shall with all Convenient speed deliuer in to the Treasurer or the psons to whom the same shall belonge and shall serue all attachments directed to you which shall come to your hands and shall pforme doe and execute all such lawfull Comaunds directions and warrants as by lawfull Authoritie heer established shalbee comitted to your care and charge without fauor or pciallitie to any pson and shall take onely your ordinary fees allowed without exaction vpon any pson; and shall safely keep as head Marshall all such psons as shalbee comitted to your Custitie by the Gou^rment Gou^r or any of his Assistants soe heelp you God &c.

1658.

Moreouer it is enacted by the Court that the cheife marshall haue full

power incase hee see occation to require Aid and Assistance of any to Assist him in the execution of his office ; and the adminnestration of his s^d office shall extend to all places within the Lymetts of this Gou^rment £3. [PART II.]

The cheife marshall is allowed twenty marke p annum for his wages besides his ordinary fees allowed by the Court. i652.

*The fees of the Cheife Marshall
allowed by the Court.

*21

						ss	s	d	
It. for serueing of an execution	-	-	-	-	-	00.	05.	00	i652.
It. for his journey about it 2 ^d p mile	-	-	-	-	-	00.	00.	00	
It. for serueing an attachment	-	-	-	-	-	00.	02.	06	
It for a Comitment	-	-	-	-	-	00.	02.	06	
It. for Imprisonment 2 ^s . 6 ^d p day	-	-	-	-	-	00.	00.	00	
It. for euery action that is entered	-	-	-	-	-	00.	00.	06	
It. the one halfe of all fines not exceeding	-	-	-	-	-	00.	06.	00	

More of the marshall see execution serued.

It is enacted by the Court that the Cheife Marshall shall haue two shillings in the pound for gathering of fines £3 if they bee not brought in by the pties themselues.

The office and oath of the vnder Marshall.

You shalbee redly to attend the generall Courts and Courts of Assistants and doe such seruice as shalbee comaunded you by the Gou^r or any of his Assistants and shall reddily execute and Inflict all such Cencures and punishments as by Authoritie of this p^sent Gou^rment shalbee adjudged to bee Inflicted vpon any delinquents and offenders according to the Nature of all such warrants and mandates as shalbee directed to you without fauor or pciallitie to any pson and shall faithfully and safely as vnderkeeper or vnder Marshall keep all such delinquents Malfactors and fellons as shalbe comitted vnto you and shall take onely your ordinary fees allowed without exaction vpon any soe healp £3. i652.

The Vnder Marshall is alowed twenty Nobles p annum besides his fees alowed by the Court. otherwise altered since ann^o 1660: i652.

It is enacted by the Court that the publicke officers wages shalbee paied in Corn ; i658.

1658. It is enacted by the Court that all Corne that shalbee paied in defraying the publicke charges of the Countrey shalbee paied att one current prise.

1646. It is enacted by the Court that if any pson or psons shall henceforth cast contempt vpon the Marshall or any of his by reason of and concerning his said office shalbee fined for euery such default to the vse of the gou'ment ten shillings.

1658. It is enacted by the Court that henceforth whatsoever Centances or Cen-
Repealed June cures shall fall out to bee Inflicted by the vnder Marshall hee shalbee paied
1659. by the Countrey for the same ; and hee shall haue but one shilling and six pence a day for euery prisoner hee hath in his Custitie att any time if hee haue more then one att a time ; but in case hee haue but one att a time in his Custitie hee is alowed two shillings and six pence a day ;

1658. It is enacted by the Court that it shalbee lawfull for the Gou^r or asistants to presse any either tradsmen or others to bee Employed in the behalfe and for the vse of the Countrey as to provide or repaire prisons stockes whipping posts [or other Instruments of Justice and all such to be payed with current Countrey pay.]

*22

*The Oath of a Cunstable

1636. You shall sweare to bee truely loyall to ^{our Sou^r Lord King Charles his heires and Successors} ~~the p'sent State and Gou'ment~~
~~of England~~ you shall faithfully serue in the office of a Cunstable in the ward of ^{for this p'sent yeare according to that measure}
of Wisdome vnderstanding and descretion God hath giuen you in which
time you shall dilligently see that ^{his Ma^{ty}} ~~the~~ peace comaunded bee not broken but shall carry the pson or psons offending before the Gou^r of this Corporation or some one of his Assistants and there attend the hearing of the case and such order as shalbee giuen you, you shall apprehend all suspisious psons and bring them before the said Gou^r or some one of the Assistants as aforesaid You shall duely and truely serue such warrants and giue such Summons as shalbee directed vnto you from the Gou^r or assistants before mencioned and shall labour to advance the peace and happines of this Corporation and oppose any thinge that shall seem to anoy the same by all due meanes and courses Soe healp you God whoe is the God of truth and the punisher of falshood ;

1640. It is enacted by the Court and the authoritie therof that the Cunstables in euery towne within this Gou'ment shall warne the Townsmen wherof they are ; to come together as they doe for other townes busines when the Com-

ittees shall thinke it fitt; as well to acquaint them with what is propounded and enacted att the Court; as to receiue Instructions for any other busines they would haue done;

[PART II.]

It is enacted by the Court that the Cunstables that liue remote hence in the further plantatjōns shalbee freed from attendance att the Generall Courts after they are sworne except there shalbee speciall cause; to retaine them.

i639.

It is enacted by the Court that all fines vnder forty shillings that shall fall in any of the remote townes of this Gou^rment shalbee leuiued by the Cunstable of the towne by warrant from the Treasurer which remote townes are explained by the court to bee Taunton Rehoboth Eastham and Bridgwater.

i657.

It is enacted by the Court and the authoritie therof that in euery towne of this Jurisdiction there shalbee three or foure men or more chosen by writing their Names in papers as the majestates are chosen to rate all the Inhabitants of their towne according to their estates or faculties; that is according to goods lands Improued faculties and psonall abillities whether the rate bee for any of the townes in pticulare or for generall charges; and by Improued lands are vnderstood meddow lands plowed lands and hoed lands the orders therein to be obserued.

i643.

*first that the Cunstable shall summon the townsmen to meet together; and if hee neglect when hee is therunto lawfully warned to forfeit twenty shillings.

*23

2^{dly} That if the Townsmen doe not meet vpon the Cunstables warning and chose Raters the Towne to forfeit fve pounds.

3^{dly} That if the Raters soe elected doe not make the Rate and Transcrib and deliuer or cause to bee deliuered a copy therof to the Cunstable within ten daies or sooner if the occation shall require to forfeit ten shillings apeece for euery such default.

4th That if the Cunstable doe Neglect to gather the said rates or not cause them to bring it in within forty daies next after hee hath the said rate or sooner vpon speciall occation; hee shall pay it himselfe and to bee recouered by suite.

5th That the Cunstable ^{is heerby Impowered} ~~shall haue power~~ to destraine vpon any that shall Neglect to pay his rate being demaunded and bring it to the place appointed by him and shall haue twelue pence for his paines about the destresse.

Lastly that all fines and forfeitures which shall happen for breach of any of these actes shalbee leuiued for the Gouerment.

[PART II.]

1639.
by procuring
is meant due
Satisfaction.

It is enacted by the Court and the authoritie therof; That if any Cunstable within this Gou^rment haue occation to goe out of the townshipp wherein hee is Cunstable for some time; hee shall haue power to procure and depute another in his stead as his deputie to execute his place vntill his returne as effectual[ly] as hee himselfe might doe; provided that the pson whom hee soe deputeth bee not one that has serued in the place within two yeares before except hee bee willing; and incase any Cunstable shall Neglect to prouide and depute one in his stead as aforesaid to forfeit ten shillings for euery default;

1654.
Repealed June
1660. In regard that diuers psons chosen to the office of a Cunstable doe not appeer to take oath; It is enacted by the Court that any that shalbee Chosen by any towne within this Gou^rment to serue in the office of a Cunstable and shall refuse to take the oath of a Cunstable being therunto required by any one Majestrate shall pay for a fine fifty shillings.

1636. It is enacted by the Court and the Authoritie therof That it shalbee Law-
full for the Gou^r as well to Impannell such ^{his Ma^{ties} subjects} ~~the Subjects of the State and~~
~~p^{re}sent Gou^rment of England~~ as are of good report and free holders; vpon
Juries although noe freemen to doe seruice thereon as well as such as haue
taken vp their freedome.

1636. Inacted by the Court and the Authoritie therof that a great Quest bee
impannelled by the Gou^r and Assistants which are to bee chosen out of the
seuerall townshippes of this Gou^rment according to order of Court and warned
to serue his ^{Majesty} ~~highnes~~ by Inquiring into the abuses and breaches of such whol-
some lawes and ordinances as tend to the preseruacion of the peace and good
of the Subjects; and that they p^rsent such to the Court as are guilty that soe
they may bee procequuted by the Court by all due meanes.

1639.
*24 *ffor the preventing of Idlenes and other euills occasioned therby It is
enacted by the Court that the Grandjurymen of euery towne shall haue power
within their seuerall townshippes to take a speciall view and Notice of all
manor of psons married or single dwelling within their seuerall townshippes
that haue smale meanes to maintaine themselues and are suspected to liue
Idly and loosly and to require an account of them how they liue and such
as they find delinquent and cannot giue a good account therof vnto them that
they cause the Cunstable to bring them before the Majestrate in their towne
if there bee any if there bee none before the Celect men appointed for such

purpose That such course may bee taken with them as in their wisdomes
shalbee Judged Just and equall ; [PART II.]

It is enacted by the Court and the Authoritie therof that the Grand-
jurymen in euery township once in the yeare anually shall view all the
measures waights and tole dishes in their seuerall towneshipes and see that
they bee lawfull according to order and that euery housholder haue ladders
sufficient and p^rsent the defects. i646.

It is enacted by the Court and the Authoritie therof That all such mis-
demenors of any pson or psons as tend to the hurt and detriment of societie
Ciuiltie peace and Naighbourhood bee inquired into by the Grand enquest
and the psons p^rsent to the Court that soe the desturbers therof may bee
punished and the peace and welfare of the Subject peacably p^rserued. i638.

Wheras Complaint hath bine made that the ffreemen were put to many
Inconveniencies and great expences by their Continewall attendances att the
Courts It is therefore enacted by the Court and the Authoritie therof for the
ease of the seuerall townes of this Gou^rment ; that euery towne shall make
Choise of two of their freemen and the towne of Plymouth of foure to bee
Comittes or Deputies to joyne with the bench to enact and make all such
lawes and ordinances as shalbee Judged to bee good and wholesome ; for the
whole provided that the lawes they doe enact shalbee propounded one Court
to bee considered of till the next and then to bee confeirmed if they shalbee
approued of except the case require p^rsent confeirmation ; and if any acte
shalbee confeirmed by the bench and Comittes which vpon further delibera-
tion shall proue prejudiciall to the whole ; That the ffreemen att the next
election Court after ; meeting together may repeale the same and enact any
other vsefull for the whole ; and that euery towneship shall beare their *vis 2^s 6^d a day.*
Comitties charges and that such as are not freemen but haue taken the oath
of fidelitie and are masters of families and Inhabitants of the said Townes ;
as they are to beare their p^rte in the charges of their Comittes soe to haue
a voate in the choise of them ; provided they chose them onely of the ffre-
men of the said towne wherof they are ; but if such Comittes shalbee Insuf-
ficient or troublesome that then the bench and the other Comitties may dismise
them and the towne to chose other freemen in their places ; i638.

*It is enacted by the Court and the authoritie therof i658.
That wheras the Number of freemen in many places is but smale and the *25

[PART II.] Inhabitants of the townships many more whoe haue equall voates with the freemen in choise of Deputies /whoe being the body of ffreemen representatiue together with the Majestrates haue equall voates for the enacting of lawes whoe by weaknes prejedice or otherwise it hath or may come to passe that very vnfitt and vnworthy psons may bee chosen that can not answare the Courts trust in such a place ; That all such Courts as Majestrates and Deputies are to acte in makeing of lawes and being assembled the Court in the first place take notice of their members and if they find any vnfitt for such a trust that they and the reason therof bee returned to the towne from whence they were sent that they may make choise of more fitt and able psons to send in their stead as the time will pmitt ;

1646.

It is enacted by the Court and the Authoritie therof

That if any township in this Gou^rment being orderly therto required shall neglect and refuse to elect or choose Comittees according to the aforesaid order the towne soe Neglecting or refusing to bee fined to the Gou^rments vse forty shillings and euery Comittee soe chosen and makes not his psonall appeerance in the Court att the day appointed there to doe his seruice to bee fined twenty shillings vnlesse hee can shew a reason approued by the Court ;

1646.

Wheras the seuerall townes of this Jurisdiction were to send their Deputies which must arise out of their freemen to attend the three generall Courts of the yeare now vpon the speciall complaints of the Deputies of the townes soe sent professing themselves to bee oppressed therby It is enacted by the Court and the Authoritie therof that the whole body of ffreemen shall appeer att the election Court which is the first Tusday in June Successiueley ; and then to make or repeale such lawes orders and ordinances as shalbee found meet and wholesome for the ordering of the Gou^rment and that then alsoe they p^rsent such deputies as haue bine chosen by their townes according to order formerly established whoe are to attend the same and its seuerall adjournments as the occations of the Countrey shall require ; and that whatsoever lawes orders and ordinances shalbee made or repealed bee att that Court and the seuerall adjournments therof onely done except the Gou^r and Assistants see cause to call a speciall Court) and other Courts to attend matters of Judicature and the majestrates onely to attend the same.

1649.

It is enacted by the Court that att courts of election next after the choise and Swearing of Majestrates and other officers the generall occations of the Countrey wherein deputies are requisitt bee attended except extreordinary occation comes in the way.

It is enacted by the Court that the Court of majestates and deputics shall haue power; as to receiue accounts soe to giue allowance to any pson in publicke place Employed in any publicke service for losse or damage hee sustaines as they shall thinke meet; [PART II.]
i652.

*It is enacted by the Court and the Authoritie therof

i640.

That noe p^rsentment heerafter shalbee exhibited to the Grand enquest to bee brought to the bench except it bee done vpon oath and that it shalbe lawfull for any of the Assistants or such as are deputed to adminnester an oath in such case viz: it is to bee vnderstood on their owne knowledge or others oath;

*26

It is enacted by the Court that any one that for the future shalbee p^resented to the Court for any fact on the Testimony of one witnesse although vpon oath shall not bee for the same condemned without a 2^{cond} witnesse or concurring cercomstances;

i656.

It is enacted by the Court and the authoritie therof

i636.

That all trialls whether Capitall or between man and man bee tried by Juryes according to the p^resedents of the lawes of England as neare as may bee;

It is enacted by the Court that if a Jury bee impannelled for tryall of causes and the p^rties agree after yett they shall pay the Jurye;

i644.

It is enacted by the Court that the Jurye shall haue six pence a man and the foreman twelue pence in such cases of Controversy as they shall goe vpon;

i635.

It is enacted by the Court and the authoritie therof that att the time of the entery of euery action the charges of that action bee defrayed before the action bee entered.

i653.

Wheras the Courts held in June annually are vsually full of much busines soe as the Court can not then convenient attend the tryall of actions
It is enacted by the Court that it shalbee lawfull for any to comence a suite for the triall of a cause of any vallue betwixt p^rtie and p^rtie att the Court of asistants held in May anually and that noe action shall hensforth bee tryed att June courts.
Repealed June the 14. 1660.

i658.

It is enacted by the Court that if a stranger or forraigner haue any occasion to comence a suite att any time betwixt the Courts for the triall of any cause of a considerable vallue; hee hath libertie to purchase a Court for such a purpose if he shall put in Cecuritie to defray the charge and that there shall not bee lesse then three of the Majestates att euery such Court.

i658.

[PART II.]

1655.

*27

It is enacted by the Court and the Authoritie therof that an execution shalbee graunted forth att the end of one month after the verdict and Judgment is graunted and not before except the ptie bee departing the Gou^rment and that when the marshall goeth to serue the execution the plaintiffe or his deputie shall goe with him to praise the goods soe distressed and if occation shall require the defendant shall haue libertie to choose another man ; and the marshall and those two shall appraise the goods or chattles soe taken ; but if the defendant doe neglect or refuse to make such a choise ; the marshall shall choose a man on his behalfe and as they or any two of them shall praise the goods soe they shalbee *then and there deliuered vnto the plaintife or his deputies and the Marshall discharged and if the said goods come to more then the debt and charges shall amount vnto then the plaintife shall returne the ouerpluse vnto the defendant in Countrey pay within six daies Next after hee receiueth the said goods but if the plaintife liue out of the Gou^rment then hee shall forthwith returne the ouerpluse or giue Ceuritie to the defendant to doe it within the said six daies.

1644.

Enacted by the Court that all actions bee entered vpon the warrants or Summons going out ; as soone as may bee.

1645.

It is enacted by the Court that all executions Issuing out of the Gen^l Court or Court of Assistants shalbee executed by the marshall onely.

1644.

It is enacted by the Court and the Authoritie therof that it shalbee lawfull for the Gou^r and majestates or any of them to direct Sommons to any pson within this Gou^rment to answare to any suite comenced against them and it shalbee as Authentick as if it were done by warrant to attach or arrest them.

1639.

It is enacted by the Court that the Prison shalbee erected att Plymouth.

1646.

A peny more
was aded to the
prisoners allow-
ance by the
day in June
Court 1660.

It is enacted by the Court that the Gou^rment shall allow 3^d a day to maintaine a prisoner comitted for felonie or misdemenor if they bee not able to maintaine themselues and to bee paid by the Treasurer and allowed vpon his accounts ;

Capitall offences lyable to death

1636.

Treason or Rebellion against the pson of ^{the King} ~~his highnes the Lord Protector~~
~~against the~~ State or Comonwealth of England or this Corporation
Wilfull murder.

Solemne compaction or conversing with the diuell by way of Witchcraft [PART II.]
 conjuration or the like ;

Wilfull or purposed burning of Shippes or houses.

Sodomy Rapes Buggery.

It is enacted by the court and the authoritie therof that whosoever shall i658.
 comitt Adultery shalbee seuerly punished by Whiping two seuerall times ;
 viz: once whiles the Court is in being att which they are convicted of the fact
 and the 2^{cond} time as the Court shall order . and likewise to weare two Cap-
 itall letters viz: A D cut out in cloth and sowed on their vpermost Garments
 on their arme or backe ; and if att any time they shalbee taken without the
 said letters whiles they are in the Gou^rment soe worn to bee forth with taken
 and publickly whipt ;

It is enacted by the court that in euery township of this Gou^rment there i636.
 shalbee a paire of Stockes and a whiping post erected in such places as shal-
 bee thought meet by the seuerall Naighborhoods where they concerne vpon
 the penaltie of ten shillings for any township that shalbee defectiue therein.

*Offences Criminall ;

*28

It is enacted by the court and the authoritie therof that any pson or i645.
 psons that shall comitt Carnall copulation before or without lawfull contract
 shalbee punished by whiping or els pay ten pounds fine a peece and bee Im-
 prisoned during the pleasure of the Court soe it bee not aboue three daies
 but if they bee or wilbee married the one to the other then but ten pounds
 both and Imprisoned as aforesaid ; and by a lawfull Contract the Court vnder-
 stands the mutuall concent of parents or guardians if there bee any to bee
 had and a sollemne promise of marriage in due time to each other before two
 competent witnesses ; and if any pson or psons shall comitt Carnall Copula-
 tion after contract and before marriage they shall pay each fifty shillings and
 bee both Imprisoned during the pleasure of the Court soe it bee not aboue
 three daies ; or els in case they cannot or will not pay the fine then to suffer
 corporall punishment by whiping ;

It is enacted by the Court and the Authoritie therof that whosoever shall i639.
 prophanly Sweare or curse by the Name of God or any of his titles Attributes
 word or workes hee or shee shalbee sett in the Stockes soe it exceed not three
 houres or bee put in prison according to the nature and quallitie of the pson ;

It is enacted by the Court that euery pson of the age of descretion which i653.
 is accounted sixteen yeares whose shall wittingly or willingly make or publish

[PART II.]

Repealed the
14th of June
1660.

any lye which may bee pntiouse to the publicke weale or tending to the damage or hurt of any pticulare pson or with intent to deceiue and abuse the people with false newes or reports and the same dewly proued before any one maiestrate whoe hath heerby power graunted to heare and determine all offences against this law shalbee fined for euery such default ten shillings and if the pty bee vnable to pay then to bee sett in the Stockes soe long as the said maiestrate shall appoint in some open place not exceeding the space of two houres ;

1636.

It is enacted by the Court

That any that shall steale or attempt to steale shipps boates munition or other thinges it bee accounted felony and so to bee punished

1645.

It is enacted by the Court that whatsoever seruant or apprentice or laborer that shall ployne or steale or Imbezell his masters goods shall make double satisfaction & restitution either by paiment or seruitude as the court shall Judge meet for the first default and for the 2^{cond} default of the laborer to make double restitution and either find surties for his good behauior or bee whipt ;

1636.

It is enacted by the Court that such as either drinke drunke in their psons or suffer any to drinke drunke in their houses bee Inquired into amongst other misdemeanors and accordingly punished or fined or both att the descretion of the maiestrates ;

Of drunkenes see more in the law about ordinary keepers

1655.

*29

*Whereas Complaint is made that some haue brought cards into some of the townes of this Jurisdiction wherby sundry psons mens both children and seruants haue been drawne together to spend their time in playing att such vnlawfull games to the coruping of youth with sundry other sad consequences that may follo^w by the p^rmiti^on of such practices It is enacted by the Court and the authoritie therof that whosoever shall bring into this Jurisdiction or keep in his house any Cards for such purposes as aforsaid or shall suffer any to play att Cards or dice att any time in his house or where hee hath to doe ; or any that shalbe actors in playing att such vnlawfull Games shalbee fined for the same forty shillings and for such as are servants or children that shall play att Cards or dice for the first offence to bee corrected att the descretion of their parents or masters and for the 2^{cond} offence to bee publickly whipt ;

1645.

Whereas some abusses haue formerly broken out amongst vs by disguising wearing Visors and strange apparrell to laciuiouse ends and purposes ; It is

therefore Inacted by the court and the Authoritie therof that if any pson or psons shall heerafter vse any such disguisements visors strange apparrell or the like to such laciuiouse and euill ends and Intents and bee therof convict by due course of law shall pay fifty shillings for the first default or else bee publickly whipt and bee bound to the behaiour if the bench shall see cause

[PART II.]

It is enacted by the Court that if any pson or psons shall wilfully and of sett purpose burne any mans fence or fences shall make good the damage and bee bound to his good behaiour

1645.

It is enacted by the Court that euery pson or psons that shall wilfully pluck vp remoue or deface any land marke or bound betwixt pty and pte that haue bine or shalbee orderly and sufficiently sett vp by psons therunto designed; shalbee fined from twenty shillings to fve pounds; according to the Nature of the offence

1645.

It is enacted by the Court that euery pson or psons that shall wilfully and of sett purpose breake downe another mans ffence or gate or any common Gate or bridge to the anoyance either of a pticulare pson or the generall shall make vp such said fence gate or bridge att his owne charge and pay the damage therby sustained and bee fined for the first default fifty shillings and for the 2^{cond} default fined fve pounds and bound to his good behaiour;

1645.

Wheras there is great abuse in takeing of Tobacco in very vnciuell manor in the streets and dangerously in out houses as barnes staules about hay stackes and other such places It is therefore enacted by the Court that if any pson or psons shalbee found or seen heerafter takeing of Tobacco publickly in the open streets of any towne in this Jurisdiction or in and about barnes staules hay stackes corn stackes hay yards or other such like places or out-houses that euery such pson or psons soe offending shall forfeit and pay to the townes vse for the first default twelue pence for the 2^{cond} 2^s and it shalbee lawfull and by this act warrantable for the Cunstable of euery towneship without further warrant vpon sight or Information therof to destraine his or theire goods for it w^b doe refuse to pay it vpon his demaund and to bee accountable to the Tresurer of what hee receiues yearly att the election court; souldiers in time of exersis only excepted

1646.

*It is enacted by the Court that wheras many haue sustained great damage by the Indescreet fiering of the woods though Justly occasioned thervnto that none shall fier the woods att any time but they shall giue warning therof to the neighbours about them and the time of fiering of them to bee from the fifteenth of febrewary to the latter end of aprill; Also that if any pson att

1633.

1646.

*30

[PART II.] any time shall fier any the woods and hath noe Just occation soe to doe hee shalbee fined ten shilling to the vse of the Gou^rment or bee whipt

1645. It is enacted by the Court and the Authoritie therof that whoesoeuer shall forge any deed or writing wherby any estate of lands either of Inheritance or for tearme of yeares shalbee passed and the right heires disinherited and shall produce or publish the same to such deceitfull end and purpose and bee therof convict by due course of law shall pay the pty greiued double damage and bee fined halfe soe much as the pty greiued recouereth of him ; and incase hee bee not able to pay it to bee publickly whipt and burned in the faze with a Roman F

1645. It is enacted by the Court and the authoritie therof That if any officer or keeper of publicke Records or writings shall wilfully steale Imbezell or make away any such publicke Records or writings soe comitted to publicke Record and keeping or shall alter any of them or any pte of them by raceing out or ading therto or otherwise ; shalbee disfranchised and loose his office and burnt in the face ; except in triuiall cases ;

1645. It is enacted by the Court That if any pson or psons shall indeauor or goe about directly or Indirectly to corrupt any officer keeping any publick records or writings to procure him to deface corrupt alter or Imbezell any such publicke records or writings shalbee fined according to the Nature of the offence soe it bee not aboue forty pounds or bee whipt ;

1655. It is enacted by the Court that all such as shall deney the Scriptures to bee a rule of life shall receiue corporall punishment according to the descretion of the majestrate soe as it shall not extend to life or limb

1655. Wheras there hath bine many complaints for want of due maintenance for minnisters (as some haue reported) It is therfore enacted by the Court that noe Pastor or Teacher of Any Congregation shall remoue before his complaint hath bine tendered to the Majestrates and they haue heard both sides and that vpon such complaints if there appeers to bee a reall defect in the hearers of the minnisters soe complaining the majestrates shall vse all gentle meanes to pswade them to doe their dewty heerin but if any of them shall not heerby bee reclaimed but shall psist through plaine obstinacy against an ordinance of God that then it shalbee in the power of the Majestrate to vse such other meanes as may putt them vpon their duty:

1657. Wheras this Generall Court taking into their seriouse consideration the great defect that either is or like to bee in seuerall townshipes of this Juris-

diction for want of an able godly teaching minnestrey and the great prejudice to the soules of many like to ensue; and being desirouse according to our dewtyes that such defects should not bee for want of dew Incouragement to such as either are or shalbee employed in soe good a worke of the Lord for his honer and the good *of soules and in consideration that inasmuch as the seuerall townshipes graunted by the Gou^rment was; that such a Companie might bee receiued as should maintaine the publicke worship of God there; doe therefore Judge that the whole both Church and towne are mutually engaged to support the same and doe therefore order and agree that in whatsoever township there is or shalbee an able godly Teaching minestrey which is approued by this Gou^rment that then foure men bee chosen by the Inhabitants or in case of their neglect chosen by any three or more of the majistrates to make an equall and Just proportion vpon the estates of the Inhabitants according to their abillities to make vp such convenient maintainance for his comfortable attendance on his worke as shalbee agreed vpon by the Church in each Township where any is with the concurrence of the rest of the Inhabitants if it may bee had or by the majistrates aforesaid incase of their aparent neglect and that destresse accordingly as in other Just cases bee made vpon such as refuse to pay such their proportions which is in Justice due but; in case there bee any other way wherby any township doe or shall agree that may effect the end aforesaid this law not to bee binding to them; to bee explained thuse that onely such pson or psons as refuse to beare their pte with the rest of the Church or towne in the due maintainance and support of the minnestrey this law to bee in force onely to them but not vnto others that doe their duty;

[PART II.]

*31

It is enacted by the Court that whosoever shall villify by opprobrious tearmes or speeches any Church or minnestrey or ordinance being therof lawfully convicted shall forfeit and pay to the vse of the Collonie ten shillings for euery default;

1650.

It is enacted by the Court That whatsoever pson or psons shall neglect the frequenting the publicke worship of God that is according to God in the places where they liue or doe assemble themselues vpon any pretence whatsoever in any way contrary to God and the allowance of the Gou^rment tending to the Subversion of Religion and Churches or palpable prophanation of Gods holy ordinances being duly convicted viz: euery one that is a master or dame of a family or any other pson att their owne disposing to pay ten shillings for euery such default;

1651.

Repealed.

[PART II.]
 1651.
 Repealed.

It is enacted by the Court that if any pson or psons in any lazey slothfull or prophane way doth Neglect to come to the publicke worship of God shall forfeit for euery such default ten shillings or bee publickly whipt ;

1650. It is enacted by the Court That whosoeuer shall prophane the Lords day by doing any servill worke or any such like abuses shall forfeit for euery such default ten shillings or bee publickly whipt ;

1658. Wheras complaint is made of great abuses in sundry places of this Gou'ment of prophaning the Lords day by trauellers both horse and foot by bearing of burdens carrying of packes &c vpon the Lords day to the great offence of the Godly welafected amongst vs It is therfore enacted by the Court and the authoritie therof that if any pson or psons shalbee found transgressing in any of the precinctes of any towneship within this Gou'ment hee or they shalbee forthwith apprehended by the Cunstable of such a towne and fined twenty shillings to the Collonies vse or else sit in the stockes foure houres except they can giue a sufficient reason for their soe doing and they that Transgresse in any of the abouesaid pticulares shall onely bee apprehended on the Lords day and on the 2^{cond} day following shall either pay their fine or sitt in the stockes as aforsaid ;

*32
 1657. *It is enacted by the Court and the Authoritie therof that hensforth noe publicke meetings bee sett vp within this Gou'ment but such as the Court shall approue of ;

1657. Wheras there hath seuerall psons come into this Gou'ment comonly called Quakers whose doctrine and practises manifestly tends to the Subversion of the fundamentalls of Christian Religion Church order and the Ciuell peace of this Gou'ment as appeers by the Testimonies giuen in sundry depositions and otherwise ; It is therfore enacted by the Court and the Authoritie therof that noe Quaker or pson comonly soe called bee entertained by any pson or psons within this Gou'ment vnder the penaltie of fve pounds for euery such default or bee whipt ; and in case any one shall entertaine any such pson Ignorantly if hee shall Testify on his oath that hee knew not them to bee such hee shalbee freed of the aforsaid penaltie provided hee vpon his first discerning them to bee such doe descouer them to the Constable or his deputie ;

It is alsoe enacted by this Court and the Authoritie therof that if any Rantor or Quaker or pson comonly soe called shall come into any towne within this Gou'ment and by any pson or psons bee knowne or Suspected to

bee such the pson soe knowing or Suspecting him shall forth with acquaint the Cunstable or his deputie of them on paine of Presentment and soe lyable to cencure in court whoe forthwith on such notice of them or any other Intelligence hee shall haue of them; shall dillegently endeauor to apprehend him or them and bring them before some one of the majestates whoe shall cause him or them to bee comitted to Goale there to be kept Close prisoners with such victualls onely as the Court aloweth vntill hee or they shall defray the charge both of theire Imprisonment and theire Transportation away; Together with an Ingagement to returne into this Gou'ment noe more or else to be continewd in close durance till further order from the Court; And forasmuch as the meetings of such psons whether Strangers or others proueth desturbing to the peace of this Gou'ment It is therfore enacted by the Court and the Authoritie therof That henceforth noe such meetings bee assembled or kept by any pson in any place within this Gou'ment vnder the penaltie of forty shillings a time for euery speaker and ten shillings a time for euery hearer that are heads of families and forty shillings a time for the owner of the place that pmits them soe to meet together; ~~and if they meet together att theire silent meetings soe called then euery pson soe meeting together shall pay ten shillings a time and the owner of the place shall pay forty shillings a time.~~

This law about the Quakers was repealed the 13 of June 1660.

It is enacted by the Court and the Authoritie therof

1658.

That noe Quaker Rantor or any such corrupt pson shalbee admitted to bee a freeman of this Corporation.

It is enacted by the Court and the Authoritie therof that all such as are opposers of the good and whosome lawes of this Collonie or manifest opposers of the true worship of God or such as refuse to doe the Countrey seruice being called thervnto shall not bee admitted freemen of this Corporation; being duely convicted of all or any of these.

1658.

It is enacted by the Court and the Authoritie therof that if any pson or psons that are or shalbee freemen of this Corporation that are Quakers or such as are manifest Incurragers of them and soe Judged by the Court or such as shall contemptuously speake of the Court or of the lawes therof and such as are Judged by the Court grosly scandalouse as lyers drunkards Swearers &c shall lose theire freedome of this Corporation.

1658.

It is enacted by the Court that all such as refuse to take the oath of fidelitie as quakers or such as are manifest encorragers of them shall haue noe voat in choise of publicke officers in the place wher they dwell or shalbee employed in any place of trust while they continew such.

1658.

[PART II.]

*33

1653.

*The order of Court Concerning
the Councell of Warr.

By orderly
called together
is ment by the
Gou^r or in his
absence the
Major
this aded June
7th 1659.

In Regard of the many Appeerances of danger towards the Countrey by Enimies and the great nessesitie of Councell and advise in which respect the Court thought meet to make choise of a Councell of warr consisting of eleuen psons whose names are elsewhere extant in the Records of the court which said eleuen or any fiue of them being orderly called together theire acte to bee accounted in force and they to bee continewed in theire places vntill others bee elected to bee orderly called together is ment being Sumoned by the p^rsedent or his deputie or in case of theire absence any two majestates of the Councell of warr.

That the Councell of warr shall haue power to issue out warrants in his ^{Ma^{ties}} ~~highnes~~ name to presse such a number of men & horses in euery towne as by proportion the said towne is to sett forth and alsoe to Issue forth warrants to the said townes for armes and prouision and all thinges Nessesary for them and what charges shall arise to bee leuied on each towne proportionably as other publick rates and to giue Comission to any Cheife officer vnder theire Charge either in time of peace or warr.

1658.

The proceeding of the Councell of Warr in the
Constituteing and Comissionating of a major.

The Councell of Warr being assembled doe heerby Constitute Impower and Comissionate you our Trusty and welbeloued ffrind I W to bee as Cheife Officer ouer the milletary Companies of this Jurisdiction bearing the title of A Major and to Act therin as is provided by order of Court Anexed to youer office according to such Instructions as you haue or shall from time to time receiue from the Councell of Warr in psuance wherof all Captaines Inferior officers and souldiers are heerby required to bee in Reddy Subjection to you during youer continuance in the said Office which shalbee vntill the Councell of Warr shall see Cause otherwise to order ;

Giuen vnder our hand and Seale

T P President with the

Consent of the Rest of the Councell of Warr.

1658.

*Instructions for the Major.

I
*34

You shall take into youer Comaund the seuerall milletary Companies of this Jurisdiction both horse and foot and take care that they bee orderly trained vp in the vse of Armes.

You shall take care that Armes be fix and seruicable.

2

You shall Carfully Appoint such watches and Gaurds as may bee Needfull for the honer and safety of the Gou'ment.

3

You shall yearly Appoint Generall Musters or meetings of such Companies as can with any conveniency meet together and with the aduise of yourer Councell order the same ;

4

Incase of any Suddaine and vnexpected approach of an enimie or Insurrection with in ourselues you shall Indeaour to put these Companies into such a Posture of defence as yourer selfe and such of yourer Councell of Warr shall giue you Instructions therabouts ;

5

You shalbee reddy att all times to obserue and execute such further Instructions either respecting disipline or reall service as shall from time to time by the Councell of Warr bee directed vnto you.

6

You shall on all Occations aduise with such as the Councell of Warr shall appoint to bee of yourer Councell ; and they haue for the p'sent chosen these heerafter Nominated &c.

7

see booke of orders and passages of the court.

*It is enacted by the Court and the Authoritie therof that incase any Cheife milletary officer bee wanting in any towne within this Gou'ment such Township shall p'sent two or three psons of the fittest they haue for that place to the Court and such pson or psons as shalbee approued of by y^e Court shalbee established in such place and office and such cheife officer to chose their vnder officers with the Concent of the body ;

I
*35
i646.

It is enacted by the Court that as the Captaine Leiftenant and Ensigne are established into their places by the Authoritie and approbacon of the Court soe such Captaine leiftenant or Ensigne shall not lay downe their places but by the consent and approbacon of the Court vpon the penaltie of fve pound for euery Captaine fifty shillings for euery Leiftenant and fifty shillings for euery Ensigne soe laying downe his place without the leaue and likeing of the Court and if any Capt: Leift: or Ensigne shall neglect to traine their men on the daies appointed or shalbee negligent in his or their places vpon proffe shalbee fined ten shilling for euey such default.

2
i646.

It is enacted by the Court that the Cheife milletary Comaunders in euery towne shall haue power to call forth men to exersice them in their armes and to appoint daies of training and the sergeants to giue warning therof and to bee done as often as the Court hath appointed ;

3
i642.

It is enacted by the Court that in time of feare and danger and sudden assault of an enimie the milletary Comaunder in euery towne shall haue

4
i642.

[PART II.] power to call the souldiers of that towne together and put them in a posture of warr ; whose Comaunds euery souldier shall obey for the defence of the township and that they follow the directions of the milletary Comaunder of that towne in keeping watch and ward provided that the ordinary watch bee sett and appointed with the majestrates approbation of that towne if there bee any ;

5
1642. It is enacted by the Court that the Cheife milletary officers in euery towne shall sett a fine vpon such as shall absent themselues on daies of training if there bee not sufficient reason giuen for their absence provided the fine bee with the Concent of the Companie or the major pte therof ; and such fines to bee gathered by the Clarke of that companie and to bee for the benefitt of the same ;

6
1645. It is enacted by the Court that the milletary officers in euery towne shall see that the Armes of that towne bee fix and compleat for length and boar and p'sent such as are defectiue

7
1640. *It is enacted by the Court that all the milletary Companies within this Gou'ment shalbee trained att least six times in the yeare

*36

8 1644.	The fines of such as are defectiue in their Armes	s	d
	That are wholly defectiue	-	10. 00
	That want a peece	-	06. 00
	That want a sword	-	02. 06
	That want powder	-	05. 00
	That want bulletts	-	02. 00
	That want match	-	01. 00

The Guns or peeces allowed for seruice are these viz: musketts fierlockes and matchcockes soe that they haue 4 fathome of match att all times for euery matchcocke ; Calliuers Carbines and fowling peeces soe that they bee not aboue 4 foot and an halfe long and not vnder bastard muskett or Calliuer bore ;

Enacted that euery towne that shalbee defectiue in the want of a drum att any time for the space of two monthes shall forfeit the sume of forty shillings to the Collonies vse that shalbe defectiue in Coullers the space of six monthes four pounds.

See orders and passages of the court Ann^o 1653.

9
1633. It is enacted by the Court that all and euery pson within this Gou'ment shalbee Subject to such milletary orders for training and exercise of Armes as hath bine agreed on and enacted by the Court.

It is enacted by the Court that euery township in this Gou^rment each township shall provide two sufficient fierlocke peecees two swords and two powches for euery thirty men they haue in theire towne and soe proportionable for theire number they are to sett forth bee they greater or lesser which shalbee reddy att all times for seruice vpon any occation vpon such penaltie for euery delinkquent as the Court shall Judge meet according to the nature of the offence.

I O
i646.

It is enacted by the Court that euery township in this Gou^rment shall prouide a barrell of powder and lead or bulletts answarable to bee kept by some trusty man or men in euery towne that it may bee reddy for defence in time of need and danger.

I I
i641.

It is enacted by the Court that euery pson both for himselfe and euery man servant that hee keepeth able to bear armes haue a peece powder and shott viz: a sufficient muskett or other servicable peece for warr with bandaleers sword and other appurtenances and that for himselfe and euery such pson vnder him hee bee att all times furnished with one pound of powder and four pound of bulletts with four fathom of match for euery match cocke muskett ;

I 2
i636.

That euery Towne prouide halberts for theire serjeants of theire milletary Companie ; see booke of orders and passages of the court i653.

That a considerable Companie of halfe pikes bee prouided in euery towne att the charge of the township viz: where 80 men are able to beare armes there twenty to bee prouided and so proportionable to theire number bee they greater or lesser ; see booke of orders and passages of the Court ann^o 1653.

* The oath of A Clarke of A milletary Companie.

*37

You shall faithfully serue in the office of a Clarke of the Milletary Companie of £^d for this p^rsent yeare during which time you shall dillegently attend such sett times of training as youer officers shall appoint you shall keep an exact list of the Names of youer whole Companie and take notice of all such defects as shall arise by the breach of any wholesome order or orders made by the said Companie and gather in all such fines as belonge therunto and giue a Just account thereof to the Companie or such as they shall appoint ; Soe healp you God £^d.

i654.

Enacted that such as are chosen Clarke of any milletary Companie shalbee sworne and any that shall refuse to serue as Clarke for one yeare

[PART II.] (being chosen) shalbee fined twenty shillings ; and hee that is next chosen and serues to haue the said sume ; see booke of orders and passages of the Court i653.

i614. It is enacted by the Court that as the watches are sett by order soe they
 Repealed. shalbee continewd vntill there bee order to lay them downe and that the watch shalbee sett halfe an houre before the sun bee sett and to continew vntill halfe an houre after the sun is risen except they ward alsoe in the day time and then to continew vntill the same time they began that a fresh watch come to releiue them ; and that for euery man that shall neither come him- selfe nor prouide a sufficient watchman in his home or lay downe the watch without due order shall pay two shillings and six pence for euery night to the Collonies vse and foure pence an houre for euery houre hee comes after the watch is sett

i636. It is enacted by the Court that if any shall shoot off a peece att any fowle or otherwise in the night time betwixt day light and day light shall forfeit twenty shillings for euery shott to bee paid to the Tresurer for the vse of the Collonie except hee shoot att a wolfe or for the finding of some one lost.

i636. It is enacted by the Court that three peeces shot of distinctly one after another shalbee an Alarum and two peeces to giue warning of an house on fier ;

i636. It is enacted by the Court that incase there shalbee need of horses vpon
 i644. speciall occation for the Countreyes seruice It shalbee lawfull for the Gou^r or any three Assistants to presse such and soe many as they shall see reason to Employ provided they take order that the owners bee payed for them ; but if any such horse or horses miscarry in the seruice the prise of such horse or mare to bee made good to the owner by the Countrey and the horse to bee prised att his going forth.

*38 It is enacted by the Court that if any man shalbee sent forth as a
 i636. souldier and shall returne maimed hee shalbee maintained competently by the Collonie during his life.

i655. It is enacted by the Court that all such Scotese and Irishmen as are in any Township of this Gou^rment shall bear Armes and traine as others except such as are seruants from month to month ;

i658. It is enacted by the Court and the Authoritie therof that a forth pte of each milletary Companie in this Jurisdiction shall euery Lords day carry theire armes to the publicke meeting in the Township where they dwell viz: some serviceable peece and sword and three charges of powder and bulletts on paine of the forfeiture of 2 shillings and six pence for each daies neglect ;

and this to bee observed from the first of March to the last of Nouember yearly; these defects to bee gathered by the milletary Clarke and the Cunstable to the vse of the Companie It is further enacted by the Court that the cheife milletary Comaunder in each towne shall take care that a list bee drawne and sett vp in the meeting house by which euery man may know to what Squadron hee belongs and when hee is to carry armes and alsoe to appoint some ouer euery Squadron to take notice and giue an account of the seuerall defects on the penaltie of the forfeiture of fiue pounds to the Countreys vse for such neglect; and that this order take place and begine from the seauenteenth of this Instant October i658 except men bee sicke or abroad and haue none att hom to carry their armes.

This is repealed June the 8, i66i.

It is enacted by the Court and the Authoritie therof that a Troop of horse well appointed with furniture viz: a Saddle and a case of petternells for euery horse shalbee raised out of the seuerall Townships to bee redy for seruice when required and maintained for that purpose to bee raised as followeth

viz: Plymouth -	-	-	3	Yarmouth	-	-	3
Duxburrow	-	-	3	Barnstable	-	-	3
Scittuate	-	-	4	Marshfeild	-	-	3
Sandwich	-	-	3	Rehoboth	-	-	4
Taunton	-	-	3	Eastham	-	-	3
				Bridgwater	-	-	1

In all thirty and three and that all such shalbee freed from foot seruice and from watching & warding and their horses rate free; and to bee redy by June next ensueing the date heerof on the penaltie of the forfeiture of ten pounds for euery towne that shall neglect;

It is enacted by the Court and the authoritie therof that all Smithes within this Gou^rment bee compelled to amend and repaire all defectiue Armes brought vnto them speedily and to bee paid in wheat or butter and the Smithes refusing to answere it att their prill;

*The oath to bee Adminnestred to a Towne Clarke is as followeth.

*43

You shall faithfully serue in the office of a towne Clarke in the towne of for this p^rsent yeare and soe longe as by mutuall consent the towne and you shall agree; during which time you shall carfully and faithfully keep all such Records as you shalbee Intrusted withall and shall record all towne actes and orders and shall enter all towne graunts and Conveyances You shall record all beirthes marriages and burials that shalbee brought vnto you within your towne and shall publish all Contracts of marriages you shalbee

i654.

[PART II.] required to doe according to order of Court bearing date the twentieth day of October 1646 Soe heelp you God who is the God of truth and punisher of falshood ;

1638. Wheras diuers psons vnfitt for marriage both in regard of their younge yeares and alsoe in regard of their weake estate some practicing the Invegleing of mens daughters and maides vnder gaurdians contrary to their parents and gaurdians liking ; and of maide seruants without leaue and likeing of their masters ; It is therfore enacted by the Court that if any shall make any motion of marriage to any mans daughter or maide not haueing first obtained leaue and concent of the parents or masters soe to doe shalbee punished by fine soe it exceed not fiue pounds or corporall punishment or both att the descretion of the bench and according to the nature of the offence ;

1638. It is enacted by the Court that if a motion of marriage bee duely made to the master and through any senestrey end or Couetous desire hee will not concent therunto ; then the cause to bee made knowne vnto the maiestrates and they to sett downe such order therein as vpon examination of the case shall appeer to bee most equall on both ptes ;

1638. It is enacted by the Court that noe seruant coming out of his time or other single pson bee suffered to keep house or bee for him or them selues till such time as hee or they bee competently provided for of Armes and amunition according to the order of the Collonies and that if any such bee yett wanting they bee provided as aforesaid or else provide themselves such masters as may provide for them and that to bee done forthwith on due warning ;

1638. It is enacted by the Court that none bee allowed to bee housekeepers or build any Cottages or dwelling houses till such time as they bee allowed by the Gou^r and Councell of assistants or some one or more of them ; and that this order bee strictly obserued ;

1639. *It is enacted by the Court that noe seruant coming out of England or
*44 elsewhere and is to serue a master for some time bee admitted his freedome or bee for himselfe vntill he haue serued out his time either with his master or some other although hee shall buy out his time except hee haue bine a house keeper or master of a family or meet or fitt to bee soe ;

1638. It is enacted by the Court that if any master of a boate shall bring any passengers into any plantation within this Gou^rment that may bee chargable or burthensome to the plantation and not haue leaue soe to doe either from the Gou^rment or Comittees of the place ; shall keep them whiles they stay and recarry them and their goods to the place from whence they came ;

It is enacted by the Court that all such as reside within this Gou^rment that are att their owne despose and haue not taken the oath of fidelitie shall ~~have notice given them by the Deputies of the seuerall townes that they are to~~ [PART II.]
 June 1657.
 reparaire vnto some one of the maiestrates of this Jurisdiction to take the said oath betwixt the date heerof and the Court to bee holden att Plymouth the first Tusday in October 1657 and incase after the time prefixed any shall refuse to take the said oath for the space of six monthes after, shall either depart the Gou^rment or pay a fine of five pounds ;

fforasmuch as it was ordered att June Court last that all such as were housekeepers or att their owne dispose that were not freemen and had not taken the oath of fidelitie to this Gou^rment should take the said oath by that time then prefixed or bee fined to the Colonies vse the sume of five pounds and wheras diuers p^{rs}ons notwithstanding all patience and long forbearance refuse to take the said oath and yett make their residence amongst vs It is therefore enacted by the Court and the Authoritie therof that euery such p^{rs}on or p^{rs}ons shall euery election Court bee Sumoned to make their appeerance theratt during the time of their aboad in this Gou^rment and if any such p^{rs}on or p^{rs}ons shall then refuse to take the said oath hee shalbee fined the sume of five pounds to the Colonies vse ;
 March 1657.
 Repealed this
 8th of June
 1661.

The oath of any residing in this Gou^rment.

You shalbee truly loyall to ~~the State and Gou^rment of England as it~~ 1636.
 our Sou^r Lord King Charles his heires and Successors.
~~now stands~~ and Wheras you make choise att p^{rs}ent to reside within the Gou^rment of New Plymouth you shall not doe or cause to bee done any Acte or Actes directly or Indirectly by land or water that shall or may tend to the destruction or ouerthrow of the whole or any the seuerall plantations or Townships within the said Gou^rment that are or shalbee orderly erected and established but shall contrarywise hinder oppose and discouer such Intents and purposes as tend therunto to the Gou^r for the time being or some one of the Assistants with all convenient speed ; *You shall alsoe submitt vnto and obey such good and wholsome lawes ordinances and officers as are or shalbee established within the limitts therof Soe healp you God whoe is the God of truth and the punisher of falshood ;
 *45

It is enacted by the Court That noe p^{rs}on or p^{rs}ons heerafter shalbee Admitted to liue and Inhabite within the Gou^rment of New Plymouth without the leaue and likeing of the Gou^r and two of the Assistants att least :
 1636.

[PART II.]

1639.

It is enacted by the Court That all the townships within this Gou^rment shall haue libertie to meet together and to make such towne orders as shalbee needfull and requisite for the hearing of Cattle and doeing such other thinges as shalbee needfull for the maintainance of good Naighborhood and to sett penalties vpon delinquents prouided that their orders bee not repungnant nor Infring any publick actes and that the fines and penalties shalbee desposed of afterwards to their pticulare townes ;

1639.

Wheras the townships within this Gou^rment haue formerly had libertie to meet together and make some towne orders which are thought to bee defectiue for that they conceiued they had not power to make assessments rates and taxes for raising such nessesarie expences as shalbee disbursed about the generall occations of the townes concerning the Comonwealth It is enacted by the Court that euery township shall haue libertie to meet together and make leuies rates and taxes for their townes charges and to destraine such as shall refuse to pay the same vpon warrant from the Court or Gou^r or any Assistant ;

1642.

It is enacted by the Court that if heerafter any Inhabitant or Inhabitants of any towne within this Gou^rment shall receiue or bring in any pson or psons as is apparently likely to bee chargable to the townships against whom Just exception is made att the time of his coming or within a month after without the consent and assent of the townesmen in a lawfull generall towne meeting the ptic or pties that soe receiued or brought them shall discharge the towne of them ;

1642.

It is enacted by the Court that if any pson or psons coming out of England or elsewhere bring any pson or psons whoc by reason of Impotency disease or otherwise is apparently likely to bee chargable to the place where hee shall come to Inhabite ; the pson or psons soe bringing in any such pson or psons shall discharge the township of them during the time of the deseaseds abode there ; but incase any Inhabitant within this Collonie shall bring ouer from England or elsewhere or procure to bee sent to them any servant or servants which by Gods prouidence shall fall deseased lame or Impotent by the way or after they come heer they shalbee maintained and prouided for by their said masters during the time of their seruice and couenants although their said masters release them out of their said seruice and afterwards to bee releiued by the towneship where hee is ;

*46

1642.

*It is enacted by the Court that if any Children or elder psons shalbee sent or come from one towne to another to bee Nursed Scooled or otherwise educated or to a Phisition or Chirurgion to bee cured of any disease or wound &c if they come to stand in need of releife they shalbee releiued and

maintained by the townships whence they came or were sent from and not by that township where they are soe Nursed educated or att cure ; and incase they come or bee sent from any place out of this Collonie then if the Nurse educater or Phisition or Chirurgeon take not sufficient Cecuritie of the psons to bee nursed educated or cured to discharge the township of and from all cost or charge which shall or may come and befall the said Townships in which hee or they is soe to bee Nursed educated or cured then they the said Nurse educater or Phisition or Chirurgeon as neglecteth the same shall discharge the said Township of them themselues ;

[PART II.]

It is enacted by the Court that euery pson that liueth and is quietly settled in any township of this Gou^rment and not excepted against within the Compase of three monthes after his coming ; in this case shalbee reputed an Inhabitant of this place ;

i642.

Wheras It was enacted as abouesaid that a pson quietly settled in any towne of this Gou^rment & the space of three monthes should bee reputed an Inhabitant there ; It is [^] that that acte shalbee expounded and construed onely to haue relation to poor psons ; and it is alsoe provided that that acte shall not any waies enable any pson to bee reputed an Inhabitant in any township within this Gouer^{ment} that shall or doth refuse to take the oath of fidelitie & although hee hath bine resident there for some time ;

i644.

It is enacted by the Court that those that haue releife from the townes where they liue and haue children and doe not Employ them that then it shalbee lawfull for the Township to take order that those Children bee put to worke in fiting Employment according to their strength and abilltie or placed out by the townes.

i641.

Wheras it is obserued that diuers psons in this Gou^rment are not able to provide Competent and convenient food and raiment for their Children wherby it is that poor children are exposed vnto great want and extremitie ;

i638.

It is enacted by the Court and the Authoritie therof that two or three men shalbee chosen in euery township of this Gou^rment that all such as are not able to provide nessesary and convenient food and clothing for their Children and will not dispose of them themselues soe as they may bee better provided for ; such said children shalbee desposed of by the said men soe appointed as they shall see meet soe as they may bee comfortably provided for in the p^rmises and the seuerall townes shall returne the names of such men as shalbee deputed and chosen vnto the Court ;

*It is enacted by the court that euery township within this Gou^rment shall make competent prouision for the maintainance of their poor according

*47

i642

[PART II.] as they shall find most convenient and suitable for themselves by an order and Generall agreement in a publicke towne meeting ;

1639. It is enacted by the Court that the Gou^r and Assistants shall appoint some to sett forth the bounds of townshipes as formerly they haue done ;

It is enacted by the Court that if an highway bee wanting in any township of this Gou^rment vpon due complaint that then the Gou^r or any of the Assistants Impanell a Jury and vpon oath charge them to lay out such waies both for horse and foot as in Consience they shall find most beneficiall for the Comonwealth and as little prejudiciall as may bee to the pticulares and that all old pathes shalbee still alowed except other prouision bee orderly made ; and that where there are alowed foot pathes ouer any mans ground which is fenced vp ; the owners of such fences shall make convenient stiles or Gates ;

1644.
and
1649. It is enacted by the Court That the Surveyors of the highwaies shall giue three daies warning to the teames and other pticulare psons when they are to amend the highwaies as often as need shall require prouided they doe not warne one teame or one pson twice before they haue gon ouer all y^e teames and psons in their township and if any bee orderly warned as aforsaid and shall neglect hee shalbee fined three shillings a day and for euery teame soe warned that shall neglect shalbee fined eight shillings a day and that the Suruayors of such townes where such neglect is shall returne their Names to the next maiestrate that by warrant the said fines may bee required by the Cunstable of the towne for the townes vse ; and euery Surveyor that shall neglect his duty in repairing the highwaies shall forfeit fve pounds to the Collonies vse ; and if it soe fall out that in the yeare all the teames and psons haue not bine warned to the worke aforsaid that they bee all warned ouer before they begine againe ; and that the new Surveyors shall begin where the old ends ; and that incase a teame or man bee wanting that the Surveyors shall hier a teame or man and to bee paied out of the fine of him that is absent ;

1633. It is enacted by the Court that the Wills and Testaments of such as die bee proued orderly before the Gou^r and assistants the next Court after the ptie is deceased prouided the Court bee not within a month after the death of the Testator ; and that a full Inventory duely vallued bee p^rsented with the same before letters of Adminestration bee graunted to any ; of all the goods and Chattles of the said psons ; alsoe if incase any man die without Will then his goods bee by his wife or others nearest to him Inventoried and duely vallued and p^rsented to the Gou^rnor and assistants att the time formentioned ; and if it bee a single pson without kinred heer resident that then the Gou^r appoint some to take a Just Inventory of the same vpon oath to bee true and Just as in other the cases before mencioned ;

*It is enacted by the Court that if any man being sicke and weake and otherwise but of disposing memory to declare his mind and will concerning the disposing or bequeathing of his lands or goods before two or more of the freeholders of the place where hee liues; It shalbee vpon theire oathes recorded and remaine feirm according to such deuise and bequest.

*48

i645.

It is enacted by the Court that none doe keep Victualling houses or Ordinarys or draw wine but such as are alowed by the Generall Court and that if any Victualler or ordinary keeper doe either drink drunke himselfe or suffer any pson to bee drunken in his house they shall pay fve shillings apeece; and if the Victualler or ordinary keeper doe suffer any townsmen to stay drinking in his house aboue an houre att one time the victualler or ordinary keeper shall pay for euery such default twelue pence and the pson soe staying aboue the said houre three shillings and foure pence; and by drunkenes is vnderstood a pson that lispes or faulters in his spech by reason of ouermuch drinke or that staggers in his goeing or that vomitts by reason of excessiue drinking or cannot follow his calling the pson or psons that shalbee found guilty in these or any of them shall for the first default pay fve shillings and for the 2^{cond} default ten shillings to the Collonies vse and for the third time to bee bound to the good behauior and if hee or they can not or will not pay the fines then to bee sett in the Stockes; and soe for the fourth time to bee fined fve pounds or bee whipt and soe from time to time as often as they shall soe Transgresse;

i646.

It is enacted by the Court that none shall bee suffered to retaile wine stronge waters or beer either within dores or without except in Inns or Victualling houses alowed and that noe beer bee sould in any such place to exceed in prise two pence the Winchester quart;

i636.

It is enacted by the Court that the Children and servants of such as dwell neare any Victualling house bee not entertained or suffered by the master of the said house there to drinke and spend theire time but if any such can bee proued it bee esteemed a misdemenor punishable in the said Victualler and to bee Inquired into;

i636.

fforasmuch as great Inconveniencies haue bine occationed by young men and other labourers that haue dieted in Inns and Ale houses especially whoe haue had other houses to repaire vnto in the same towne It is therfore enacted by the Court that none shall diett in Inns and Alehouses nor haunt them which are in the townes they liue in nor make them the ordinary place of theire abode;

i638.

*49 *It is enacted by the Court

1654. That incase of weaknes or sicknes of any pson or psons in any towne within this Gou^rment and that such as are deputed to draw and sell wine or strong waters haue none It shalbee lawfull for any one that hath any such that they may sell it for such Intents and purposes as to releiue the weake and sicke notwithstanding any former order to the contrary provided it bee with the likeing and approbation of the maiestrate if theire bee any in that towne and incase there bee none that then it bee with the concent of the Cunstable of the Towne ;

1633. It is enacted by the Court that fishing fowling and hunting bee free provided if any damage comes to any pticulare by the procecution of such exercise restitutions bee made or the case actionable but if any man desire to Improue a place and stocke it with fish of any kind for his private vse It shalbee lawfull for the court to make any such graunt and forbid all others to make vse of it ;

1637. It is enacted by the Court that six score fishes shalbee accounted to the hundred of all sorts of fishes ;

1652. It is enacted by the Court that wheras the publicke charges of the Countrey are Increased and that by Gods prouidence many whales and other fishes are cast on shore in many ptes of this Jurisdiction out of which the court sees reason to require some pte of the oyle made of them this court now ordereth that of euery whale either cast on shore or bought of any Indian or Indians or taken on drift att sea and brought to shore in any pte of this Jurisdiction there shalbee one barrell of marchantable oyle paied to the publicke Treasury to the Collonies vse to bee raised and paied as followeth

This otherwise ordered. viz: euery towne shall pay one barrell of marchantable oyle for euery drift whale cast or brought on shore and seized on within the liberties and precincts of theire seuerall townshipes or traded or bought of the Indians within theire townships and the pson or psons as first seize or cutt any whale or shall purchase or trade any such whales of the Indians that shalbee soe cast on shore in any place within this Jurisdiction out of the bounds of euery pticulare township shall pay one full barrell of marchantable oyle for euery such whale which shalbee deliuered att Boston to such as the treasurer shall appoint to receiue it from yeare to yeare and the freight thereof shalbee fully discharged by those that shall deliuer it and a receipt taken from such as to whom it is deliuered shalbee a discharge to those that shall deliuer it ; and the pson or psons as first seizeth any whale or shall purchase or trade any

such whales of the Indians that shalbee soe cast on shore in any place within this Jurisdiction out of the bounds of any pticulare township hee or they are heerby Authorised to cause all such psons as cutt with him or them to pay theire equall proportion to him according to what they cutt towards the said barrell of oyle and alsoe that it shall not bee lawfull for any pson or psons of any townshipp to cut for themselues or trad with the Indians for any blubber or oyle cast vp or cut within the precinctes of another township provided that if any man take a drift whale of att sea and bring or tow it to the shore it shalbee accounted his owne goods ; if within an harbour or mile of the shore they are to bee reputed the townshipes where they are taken ;

[PART II.]

*It is enacted by the Court

*50

That one Comon Standard bee vsed by all for waights and measures and that according to Winchester which is the Standard of England

1636.

It is enacted by the Court

1652.

That euery Towne within this Gou^rment shall haue a Standard for measures of Corn made by those that are provided att Plymouth by a former order of Court ; for that end to try and Seale their measures by ; which are to bee vniforme amongst them and to bee made round ; and these to bee provided by the last of Nouember 1658 and to bee kept by the Scallers of euery towne for the townes vse ;

It is enacted by the Court

1652.

That in euery towne within this Jurisdiction there bee one appointed to try and seale measures and to haue for euery measure four pence which shalbee tryed and sealed by him ; and onely round measures to bee alowed to buy and sell by ; and that the seuerall townes shall choose a fitt pson for each towne for sealler and p^rsent him to a maiestrate to bee Sworne ;

It is enacted by the Court that none shall sell by vnsealed waighes and measures which are not waight and measure by the Standard and that if any shall soe doe they shall loose such waights and measures and make restitution to the pties soe wronged by such waight and measure and shall pay to the Collonies vse for euery such default of falce waight and measure for the first time six shillings for the 2^{cond} time thirteen shillings and foure pence and for the third time twenty shillings and such waights and measures to bee burnt and that a pile of waights according to Winchester bee procured to bee standard and that the sealler shall haue for sealing a peny for euery waight vnder a quarter of a pound ; and for all aboue a quarter of a pound to six pound 2 pence a peece ; and for all aboue six to an hundred waight four pence ;

1645.

[PART II.]

i638.

It is enacted by the Court that noe miller within this Jurisdiction shall take aboute the sixteenth pte of a bushell for grinding such Corn as is brought vnto him to bee ground ; and that all Millers within this Jurisdiction shall either grind theire Corn sufficiently that is brought vnto them for that end or else that vpon complaint to the Court therof and the thinge proued the Miller shall pay for euery such default six pence for euery bushell to the pty Greiued and six pence to the Treasurer to the vse of the Collonie

i645.

It is enacted by Court that euery Miller within this Jurisdiction shall haue two toule dishes viz: a quart and a pottle but to bee soe made that vpheaped they will hould noe more then a quart and a pottle by the measure alowed and those to bee sealed by the last of Nouember i658 or else to pay ten shillings for euery month soe longe as the said miller keepeth them vnsealed after and that all Millers shall prouide Scales and waighes to way mens Corn as occation shall require

*51

i652.

*It is enacted by the Court and the Authorite therof that all such caske as are or shalbee made by any Cooper within this Gou^rment shall haue the two first letters of his Name sett on euery such caske hee makes ; by a burnt marke vpon penaltie of the lose of his Caske the one halfe to the Countrey the other halfe to the enformer ; and this order to bee in force forthwith.

i652.

It is enacted by the Court that all Coopers within this Gou^rment are to make all theire Caske according to London Gage vpon the like penaltie ;

i652.

It is enacted by the Court that euery towne within this Gou^rment shall choose a fitt pson for serching of Caske and packing of fish and meat and to p^rsent them to a maiestrate to bee Sworne.

i652.

It is enacted by the Court

That such ffences as are Judged sufficient against oxen and Cowes shalbee alowed sufficient against horses and mares ; and if any horse beast breake into any Corn or grasse ouer such sufficient fence ; the owners of such horses shall pay the damages proued as if they were Impounded.

i633.

It is enacted by the Court that euery Cunstablericke haue a sufficient pound to Impound Cattle that shall Transgresse any such orders as are or shalbee made ;

i655.

It is enacted by the Court that incase any cattle horses or hoggs shall treaspas vpon any and bee by them Impounded and after they are Impounded they remaine foure daies after notice giuen to the oweners and bee neither repleuiued nor agreed for ; It shalbee lawfull for them as Impound them to

make publicke sale of them after publicke notice giuen to the Inhabitants of the towne of their Intention soe to doe; and after damages Satisfied the remainder to bee returned to the owners. [PART II.]

It is enacted by the Court

1633.

That whatsoever damage comes to any by Cowes goates mares sheep or hoggs by breaking into mens sufficient Inclosures It shalbee lawfull for the psons soe damnified to Impound them; and two sufficient men to view the damage which shall accordingly bee giuen and paied;

It is enacted by the Court that noe man shall heard his owne Cattle or other mens to the p'judice of any; att or neare his or their house vpon their land; but vpon due notice and warning shall reforme it or the case bee actionable;

1633.

It is enacted by the Court that if any Indian shall kill a woulfe in any township of this Jurisdiction hee shalbee paied a Coate of Trading Cloth and if any English shall kill a woulfe hee shalbee paied fifteen shillings to bee paied by the Countrey and defrayed by the Treasurer

1658.

This is otherwise ordered
June 1661

*It is enacted by the Court and the Authoritie therof

*52

1. That euery Towne in this Gou'ment shall haue some publike brand marke for their horses to destinguish them from other townes and alsoe some fitt pson appointed to take notice of mens publicke markes for horses and regester them in a booke with their day and yeare which may bee the towne Clarke and the said pson to haue four pence a peece for euery horse kind hee regesteth

1658.

2. That all psons that are resident in any towneship and haue horses goeing there giue in vnto the said pson from time to time their seuerall markes of their horses with their age that soe they may record them;

3. That if any horse kind being aboue two yeares old and noe marke wherby the owner of them may bee clearly knowne that the said pson soe deputed takeing notice of any such signify the same to the marshall the next generall Court that soe hee may bee three times cryed with his age and couller and that if within six monthes afterwards any vpon due euidence can owne them paying all nessesarie charges hee may haue him; but if in six monthes time none can owne him that then the said horse kind bee looked att as belonging to the Countrey and the Treasurer to take order to despose of him for the Countreyes vse as the Countreyes stocke defraying all nessesarie charges.

4. That noe pson or psons marke any horse kind younge or old but before sufficient witnesse that none bee wronged;

[PART II.]

5. That noe pson or psons take vp any horse kind soe as to send them out of this Gou^rment before hee or they cary the same to the pson deputed and soe euidence it to bee his or theires for whom taken vp and take a note vnder his hand and that hee shall enter it both day and yeare;

6. That noe Indians bee p^mited to course or take vp any horses except in companie with the English and that with the concent and approba^con of a maiestrate if there bee any in that towne; if not the approba^con of the Towne clarke;

7. That if any pson or psons shalbee found carying any horse kind out of this Jurisdiction without a note vnder the hand of the p^tie deputed as abouesaid from whence hee came that the horse bee Cecured att the Owⁿers charge vntill a note bee procured and the pson that brought him bee fined five pounds to the Countrey if an Inhabitant; but if a stranger not knowing the order the like penaltie vpon him that deliuered him if an Indian to bee publickely whipt by the Cunstable where hee shalbee taken with the horse;

8. That wheras seuerall complaints haue bine made to the Court by diuers of great wronge and damage by straying horses not onely of other townes but alsoe of other Jurisdictions and noe redresse; This Court ordereth That all such psons whose horses soe Treaspas and yett noe redresse or satisfaction Tendered; that the Townshipes soe agreiued as they haue oppertunitie; doe Impound the said horses vntill some due satisfaction bee giuen or Composition made for the treaspas and alsoe all other dues for their Impounding; and hee that keeps the pound to haue six pence for euery horse that is Impounded;

*53
1658.

*Wheras it hath bine an ancient and wholesome order bearing date March the seauenth 1636 that noe pson coming from other p^tes bee alowed an Inhabitant of this Jurisdiction but by the approba^con of the Gou^r and two of the maiestrates att least and that many psons contrary to this order of Court are crept into some townshipes of this Jurisdiction which are and may bee a great disturbance of our more peacable proceedings bee it Inacted by the Court and the Authoritie therof that if any such pson or psons shalbee found that hath not doth not or will not apply and approue themselues soe as to procure the approba^con of the Gou^r and two of the assistants that such bee enquired after and if any such psons shalbee found that either they depart the Gou^rment or else that the Court take some such course therin as shalbee thought meet;

1636.

It is enacted by the Court That none shall make sale of any boards planks or Timber out of the Gou^rment that hath bine growing in any

swampes that are reserued for publicke vse without leaue but shall onely soe doe of such as arise out of their owne proper grounds. [PART II.]

It is enacted by the Court that for the preuenting of such Inconueniencies as may befall the Gou^rment by the want of Timber that noe man of what condition soeuer shall sell or Transport any manor of workes as frames for houses planks boards shiping Shallopes boates cannoes or whatsoever may tend to the destruction of timber how little soeuer the quantitie bee without the concent approba^on and liking of the Gou^r and Asistants and if any bee found faulty heerin and shall Imbarque or convey to that end to make sale of any of the pticulares aforesaid expressed or Intended by this order the said Timber to bee forfeited and to bee fined twice the vallue therof soe sould to bee leuied for the vse of the Collonie except what ariseth within their owne towneship or pticulare lands ;

i626.

In the begin-
ing of the great
old booke.This clause
aded i658.

It is enacted by the Court that whosoever shall saw any boards in any place within this Gou^rment that is not in the bounds of any pticulare towneship shall pay to the vse of the Gou^rment one shilling and eight pence for euery Thousand to bee paid to the Treasurer for the vse of the Collonie and of timber and planke according to the proportion answarable ;

i652.

Wheras Complaint is made that much Timber is feld on the comon and lett lye and not Employed and suffered to rott there by those that feled it and therby the Countrey much damnified It is enacted by the Court that whosoever shall or hath felled any Timber on the Comon and doth not either Square or Riue it within halfe a yeare after it is felled it shalbee lawfull for any other to make vse therof as they shall see meet ;

i658.

It is enacted by the Court that after December i658 noe raw hides (either slaughtered or otherwise falling or any skines viz: deer skins sheep skins goate skins or calue skins that shall fall shalbee Transported out of the Gou^rment on the penaltie of forfeiting them or their vallue to the Collonies vse ;

i658.

Repealed June
i659.

*It is enacted by the Court that when the vpper Marshall shall haue occation to leuy any fine or fines hee hath libertie by this order to choose one to prise the goods or Chattles taken by destresse ; and the delinquent hath libertie to choose another if hee please but if the delinquent shall refuse to choose another then the Marshall and him whose hee hath chosen shall prise the said goods or Chattles and incase any bee required by the Marshall to prise the said goods or Chattles and shall refuse hee shalbee fined fiue shillings for euery such default to the Collonies vse ; and what expence of time

*54
i658.

[Part II.] and paines any shalbee att in prising such said goods or Chattles hee shalbee reasonably satisfied for the same.

1658. It is enacted by the Court that if any shalbee chosen to serue on the Grand enquest and shall refuse to serue hee shalbee fined to the Collonies vse the sume of ten shillings for euery Court that hee is absent within the yeare for which hee is chosen to serue and incase hee shall wholly exclude himselfe all the yeare hee shalbee fined the sume of forty shillings to the vse of the Collonie vnlesse hee can giue sufficient reason to the Contrary vnto the Court ;

1658. Whereas sundry psons both Quakers and others wander vp and downe in this Jurisdiction and follow noe lawfull calling to earne theire owne bread and alsoe vse all Indeuours to Subvert Ciuill State and to pull downe all churches and ordinances of God to thrust vs out of the wayes of God notwithstanding all former lawes provided for the contrary ;

Bee it therfore enacted by this Court and the Authoritie therof that with all convenient Speed a worke house or house of Correction bee erected that all such vagarants as wander vp and downe without any lawfull calling and alsoe all Idle psons or rebellious children or servants that are stuborne and will not worke to earn theire owne bread and yett haue not wherewith to maintaine themselues may bee put to this house of Correction and there bee Employed in such worke as shalbee there provided for them and to haue noe other Supply for theire sustenance then what they shall earne by theire labour all the while that they continew there and alsoe that some faithfull man bee appointed by the Court to bee ouerseer of this house of correction whoe shall carfully obserue such orders as shalbee from time to time directed to him from the Gou^r or any of his assistants concerning any pson or psons that may bee sent to him ;

1658. Whereas it is obserued that diuers psons in this Gou^rment are not able to prouide competent and convenient food and raiment for theire Children wherby it is that poor children are exposed vnto great want and extremitie It is enacted by the Court and the Authoritie therof that two or three men shalbee chosen in euery township of this Gou^rment that all such as are not able to prouide nessesary and convenient food and clothing for theire children and will not dispose of them themselves soe as they may bee better provided for ; such said children shalbee desposed of by the said men soe appointed as they shall see meet soe as they may bee comfortably provided for in the p^rmises ; and the seuerall townes shall returne the names of such men as shalbee soe deputed vnto the Court ;

*It is enacted by the Court that incase any shall bring in any Quaker or Rantor or other Notorouse heritique by land or water into any pte of this Gou'ment shall forthwith vpon order from any one majestrate returne them to the place from whence they Came or cleare the Gou'ment of them on the penaltie of paying a fine of twenty shillings for euery weeke that they shall stay in the Gou'ment after warning;

*55
1657.
This was re-
pealed the 13
of June 1660:

It is enacted by the Court and the Authoritie therof that incase any towne of this Gou'ment shalbee fined that the Court shall appoint three men to make a rate to leuy the fine whoe shall proceed therin according to the rules sett downe in the orders about the rates of the Countrey as neare as may bee and incase such men as shalbee soe appointed to make the said rates shall neglect it; they shall pay the fine themselues and such said rates as shalbee made; a copy therof shalbee deliuered to the Cunstable to bee leuied as rates for other charges;

1658.

It is enacted by the Court and the Authoritie therof that incase there shalbee occasion to Employ a messenger in the Countreyes busines that it shalbee lawfull for any of the majestrates to presse any pson or psons to goe on the Countreyes occasions and to bee payed out of the Countreyes stocke.

1658.

It is enacted by the Court that euery township in this Gou'ment shall haue a booke of the lawes of the Collonie and that they bee read oppenly once euery yeare;

1658.

*Acts and orders of Court made and concluded the
seauenth of June 1659

*61

fforasmuch as many psons are greatly corrupted with the Quakers doctrines by reading their bookes writings or Epistles which are sent and distributed into sundry places within this Jurisdiction; It is therefore enacted by the Court and the Authoritie therof that encase the Cunstable or Grandjurymen or Marshall shall find or heare of any Quakers bookes epistles or writings hee shall seize on them and p'sent them to a majestrate or the next court;

Wheras the grand enquest is a place of great trust and concernment in the Comon wealth; in discharge wherof is required expence of time and Charge; It is therefore enacted by the Court that the seuerall townes of this Jurisdiction shall pay their grandjurymen towards their expence of time and Charge att three Courts two shillings and sixpence a day and nothinge att election Courts and that onely fit and able psons bee chosen for that seruice; [and that the new grandjury men need not to appeare to take their Oath till the fifth day in the Court weeke. S.]

Repealed the
14 of June
1660.

It is enacted by the Court that the Majestrates shalbee hencforth freed from all publicke rates as respecting the majestrates table Clarke and Marshalls wages.

This is re-
pealed June
14: 1660.

It is enacted by the Court that such horses and mares as shall appeer to bee the Countreyes by order of Court the one halfe of them shalbee the townes where they are taken vp the due charge being taken out of the said halfe and the other halfe to bee the Gou'nors then in being ;

*62
1659.

*It is enacted by the Court that a proposition bee made to the Quakers that such of them as will promise and engage to remoue their dwellinges out of this Gou'ment within six monthes after this p'sent Court and pforme it ; that noe fine bee exacted of them as soe engage ; and such as whose estates are soe Impouerished as they are disabled to remoue they shall haue som supply made them out of the Tresury to healp them ;

The two lawes
respecting this
pticulare made
in 1651 were re-
pealled both
of them this
Court; 1659.
1659.

It is enacted by the Court that whatsoever pson or psons shall frequently absent or neglect vpon the Lords day the publicke worship of God that is aproued of by this Gou'ment shall forfeite for euery such default ten shillings

It is enacted by the Court that wher highwaies are wanting in any towneship of this Jurisdiction that there the next Majestrate vnto such Towneshipp shall Impannell a Jury for the laying out of such wayes as shalbee found by them convenient.

1659.

It is enacted by the Court that euery Cunstable of this Jurisdiction shall haue a Cunstable staffe wherby to distinguish them in theire office from others and to bee provided by the treasurer and to bee deliuered by the forgoing Cunstable to him that Succeeds yearly ;

*63
1659.

*It is enacted by the Court that a proposition bee made vnto the seuerall townshippes of this Jurisdiction whether in respect vnto the repealing of such lawes as were made in March 1657 and June 1658 and Septem: 1658 they shall thinke it meet to sumon the whole body of freemen to come together ; that soe the minds of the major pte of the ffreemen may bee knowne about the p'mises and to send theire minds to the next October Court.

1659.

It is enacted that the law respecting the oath of fidelitie shall stand in full force onely that it shalbee in the power of the majestrates to metegate the execution therof to such as are or shall appeer to bee low in their estates.

1653.
The law about
the vnder Mar-
shalls pay
made 1658 is
repealed.

It is enacted by the Court that all sentences and Censures that shall fall out to bee Inflicted by the vnder Marshall viz: whiping Stocking stickmatising or puting to death hee shalbee payed for the same by the Countrey out of the Tresury:

It is enacted by the Court that such as stay drinking or tippling wine or strong drinke abusiuely in any house of any towneship of this Jurisdiction the Cunstable or grandjurymen of the towne are heerby authorised to make enquiry into such abuses and finding any to transgresse to warne them or cause them to bee warned to the Court to answare for their misdemenors therin ;

[PART II.]

1659.

*It is enacted by the Court that three men bee Nominated in the voates for choise of Comissioners that soe incase of the fayleing of either of the first two nominated in the voates by reason of some euident hand of God Impeding then the third nominated to supply his place ;

*64

1659.

Wheras Complaint is made that the Indians in seuerall ptes of this Jurisdiction liueing in remote places from any townshipes haue receiued great damage by the horses and hoggs of the English ; It is enacted by the Court that it shalbee lawfull for the Indians soe anoyed by the horses or hoggs of the English whoe liue remote from any towne to bring such horses or hoggs to the pound in the next township and there to bee kept till the owners take a course to satisfy the damage ; and such Indians to haue twelue pence a peece for horses and six pence apeece for hoggs, if they bring them aboue eight miles ; and alsoe that if any neat Cattle shall treaspas the Indians ; It shalbee lawfull for them to Impound them that soe they may haue resonable Satisfaction ;

1659.

It is enacted by the Court that the Vnder Marshall shall haue of any prisoner comited to his charge two shillings and six pence for Comitment and two shillings and six pence for his release and one shilling and six pence a day for the time hee keepes him afterwards.

1659.

This order was repealed att the Court held att Plymouth the 12 of June 1660.

It is enacted by the Court that euery towne of this Jurisdiction shall haue a pound to impound Cattle by the Next october Court on the penalty of fise pounds for euery towne that shall neglect ; and a pounder to keep it ;

1659.

*It is enacted by the Court that if any towne in this Jurisdiction shall Neglect to procure a brand marke by the last of July next for to marke their horses according to order shalbee fined fise pounds ;

*65

It is further ordered that euery owner of horses shall take the first oppertunitie to marke and enter their horses according to order and incase any shall neglect soe to doe betwixt this and March court next shall forfeite fise shillings to the towne for such default for euery horse found vnmarked ;

[PART II.]

The marke for horses for destinction of the townes

ffor Plymouth a **P** on the neer buttucke
 Duxburrow a **D** on the neer buttucke
 Scittuate an **S** on the neer buttucke
 Taunton a **T** on the neer shoulder
 Sandwich an **S** on the neer shoulder
 Yarmouth a **Y** on the neer shoulder
 Barnstable a **B** on the neer Buttock
 Marshfeild an **M** on the neer Buttocke
 Rehoboth an **R** on the near Buttocke
 Eastham an **E** on the far shoulder
 Bridgwater **B** on the neer shoulder;

The Court vnderstanding that some in an vnderhand way haue giuen vnto the Indians money or goods for their lands formerly Purchased according to order of Court by the majestrates therby Insinuating as if they had dealt vnjustly with them It is enacted by the Court that some course bee taken with those whom wee vnderstand [haue lately transgressed in that kind. S.]

*66

*It is enacted by the Court that the Grandjurymen in each towne of this Gou^rment bee warned att election Courts to make their appeerance on the fift day of that weeke.

[The law for hides is repealed. the law about the Marshalls wages Anno 1658. is repealed. the Two lawes about neglecting the worshipp of God made i65i are repealed. S.]

Wheras some haue desired and others thinke it meet to p^rmitt some p^rsons to frequent the Quakers meetings to endeauor to reduce them from the error of their wayes the Court Considering the p^rmises doe p^rmitt John Smith of Barnstable Isacke Robinson John Chipman; and John Cooke of Plymouth or any two of them to attend the said meetings for the ends aforesaid att any time betwixt this Court and the next october Court;

~~The Court alloweth vnto each Towne in this Gou^rment thirty shillings to bee Employed towards the setting forth of the troop of horse viz thirty shillings for euery horse they shall sett forth~~

[The Court Alloweth to Each Towne in this gouernment to bee employed towards the setinge forth A Troop of Horse the sum of thirty shillings for euery horse they set forth and is to bee disposed off by the deputyes of the Townes for y^e ends Aforesayd and this is to bee payd by the Treasurer. Leiu^tenant Torrey Joyned to goodman Stetson to act in this Busines. S.]

It is enacted by the Court that noe Strong liquors shalbee sould in any place within this Gou^rment to exceed in prise three shillings a quart.

*Acts and orders made and concluded Att the
Generall Court held att New Plymouth
the 10th of June 1660:

[PART II.]
*67

WHERAS there hath seuerall psons come into this Gou^rment comonly called Quakers whose doctrine and practices manifestly tends to the Subversion of the fundamentals of Christian Religion Church order and the Ciuill peace of this Gou^rment as appeers by the Testimonies giuen in sundry depositions and otherwise It is therfore enacted by the Court and the Authoritie therof; that Noe Quaker or pson comonly soe called bee entertained by any pson or psons within this Gou^rment vnder the penaltie of fise pounds for euery such default or bee whipt; and incase any one shall entertaine any such pson Ignorantly if hee shall Testify on his oath that hee knew not them to bee such hee shalbee freed of the aforesaid penaltie; provided hee vpon his first deserning them to bee such doe descouer them to the Cunstable or his deputie;

It is alsoe enacted by the Court and the Authoritie therof that if any Rantor or Quaker or pson comonly soe called shall come into any towne within this Gou^rment; and bee apprehended by the Cunstable or any other; they shall bring them before some one of the maiestrates of this Jurisdiction whoe shall comitt him or them to the Jayle; and there to bee kept in close durance and to haue onely such prouision as the Countrey aloweth which is thripence a day and soe to remaine vntill the next Court after their Comitment; and then to bee p^rsented before the Court and by them Injoynd; directly to depart out of the Gou^rment; and incase hee or they shall refuse or neglect soe to doe; then that they shalbee publickly whipt and sent out of the Gou^rment paying their fees; and forasmuch as the meetings of such psons whether strangers or others proueth desturbing to the peace of this Gou^rment;

It is therfore enacted by the Court and the Authoritie therof that henceforth noe such meetings bee Assembled or kept by any pson in any place within this Gou^rment vnder the penaltie of forty shillings a time for euery speaker and ten shillings a time for euery hearer (that are heads of families) and forty shillings a time for the owner of the place that pmitts them soe to meet together; and all such as shalbee found att any such meetings; as are vnder the Gou^rment of others as wiues children or seruants; ¶ The Cunstable of such a towne where such meeting is shall forthwith carry them either into the stockes or Cage whoe shall remaine there according to the descretion of the said Cunstable provided if hee put them into the stockes they shall not

Repealed 8th of
June 1661.

This is re-
pealed the 8th
of June 1661.

[PART II.]

continew there aboue two houres if in the winter nor aboue four houres if in the summer ; and if hee put them Into the Cage they shall not continew there longer then vntill night if in the winter ; and not longer then the next morning in the summer ; and for all young psons whoe are att their owne dispose and shalbee found att any such meetings that the same course bee taken with them either by puting them into the Cage or stockes ;

*68
1660.

*It is enacted by the Court that there shalbee in the seuerall Townshipes of this Jurisdiction a Cage erected especially att Sandwich Duxburrow Marshfeild and Scitteate and that the charge of them shalbee defrayed out of such fines as shall arise out of the said Townshipes soe that the said charge exceed not three pounds ;

Wheras by a former order of Court all psons were required to giue notice to the Cunstables of their seuerall precincts of all such psons as were knowne to bee foraigne Quakers ; Now this p'sent Court doth enacte that it shalbee lawfull for any Inhabitant within this Jurisdiction vpon their knowledge ; and haueing oppertunitie to vse all endeauors to Apprehend all such Quakers and to deliuer them to the Cunstable or bring them before the Gou^r or some one of the maiestrates ;

Wheras wee find that of late time the Quakers haue bine furnished with horses and therby they haue not onely the more speedy passage from place to place to the poisoning of the Inhabitants with their cursed Tenetts ; but alsoe therby haue escaped the hands of the officers that might otherwise haue apprehended them It is therfore enacted by the Court and the Authoritie therof That if any pson or psons whatsoever in this Gou^rment doth or shall furnish any of them with horse or horse kind the same to bee forfeited and seized on for the vse of this Gou^rment ; or any horses that they shall bring into the Gou^rment or shalbee brought in for them and they make vse of shalbee forfeited as aforsaid ; and that it shalbee lawfull for any Inhabitant to make seizure of any such horse and to deliuer him to the Cunstable or the Tresurer for the vse of the Countrey.

In reference to the puting in execution the order about the house of Correction ; it is ordered by the Court that an adition shalbee erected of fourteen foot longe of equall hight with the prison att the one end therof with two Chemneyes in it ; one in the lower rome and the other in the vper rome ; with a yard afore it of about eight foot high made of boards ; and the Tresurer is to take some Speedy course for the doeing of it ; and that a fitt pson bee chosen by the Maiestrates to bee the ouerseer therof ;

*It is enacted by the Court that any one that shall bring in any Quaker or Rantor by land or water into this Gou'ment viz: by being a guide to them or any otherwise shalbee fined to the vse of the Gou'ment the sume of ten pounds for euery such default; [PART II.]
*69

Wheras some Trouble and Inconvenience hath arisen by reason that some haue bine chosen to the office of Cunstable and haue rather chosen to pay the fine formerly Amerced for such default then to serue in the said office; and soe the towne Nessesitated to make a new choise therby puting them to further Charge; It is enacted by the Court and the Authoritie therof that if any man being chosen by any Towne in this Gou'ment to serue in the office of a Cunstable and shall refuse to serue therein shalbee fined the sume of four pounds the one halfe therof to the towne in which they are chosen and the other halfe therof to the vse of the Collonie;

It is enacted by the Court that the Vnder Marshall shall haue twenty Nobles more aded to his former wages To bee payed out of the Tresury; and that for the future hee shall not expect any fees for the keeping of any prisoner; saue onely to haue two shillings and six pence for comittment and two shillings and sixpence for release as formerly;

Wheras the Court hath taken notice that diuers of the ffreemen of this Corporation doe neither appeer att Courts of election nor send their voates by proxy for the Choise of majestates &c It is enacted by the Court and the Authoritie therof; that whosoeuer of the ffreemen of this Corporation; that shall not appeer att the Court of election att Plymouth in June anually nor send their voate by proxy according to order of Court for the choise of Gou' Assistants Comissioners and Treasurer shalbee fined to the Collonies vse the sume of ten shillings for euery such default; vnlesse some vnavoidable impediment hinder such in their appeerance;

*Wheras the milletary Companies of this Jurisdiction are entered into a Regimentall Posture and therefore that the vse of Pikes is nessesry and some alreddy provided for that end; It is enacted by the Court that the charge of the said pikes shalbee borne by the townes respectiuey and that notwithstanding this order that such as exersiceth with the said pikes shall keep their other Armes viz: Muskett &c fix and fitt for seruice; *70

In reference vnto the order of Court consarning carying of Armes to the meetings on the Lords day it is enacted by the Court and the Authoritie therof that if any ouerseer of any Squadron in any milletary Companie of Repealed June 9th 1661.

[PART II.] this Jurisdiction that shall neglect to take notice of and p^rsent a true list of such as are defectiue in bringing theire Armes to the meeting on the Lords day shalbee fined the sume of three pounds to the Collonies vse ;

Repealed the
9th of June
1661.

It is enacted by the Court that for matter of ordinary delinquency about penall lawes It shalbee lawfull for the Court of Majestrates to Issue the same in point of sensure without Impanneling of a Jury for the tryall of the case encase the fine exceed not the sume of ten pounds ;

It is enacted by the Court that all Controuersyes that shall arise betwixt man and man not exceeding forty shillings shalbee ended by the majestrates att the Court of assistants without Impanelling of a Jury for the tryall of the case ;

1663.

It is enacted by the Court that whosoever shall sell ~~by-Retaile~~ any wine or stronge waters in any towne of this Gou^rment being not alowed by the Court shalbee fined fwe pounds to the vse of the Collonie for euery such default ; except they sell it to such as are alowed to retaile.

It is enacted by the Court that hencsforth noe fines due to the Countrey shalbee payed in Wampampeak.

*71

*fforasmuch as Complaint is made that many Indians presse into diuers ptes of this Jurisdiction ; wherby some of the plantations begine to bee oppressed by them ; It is enacted by the Court that noe strange or forraigne Indians shalbee pmitted to come into any pte of this Jurisdiction soe as to make theire residence there ; and for that end that notice bee giuen to the seuerall Sagamores to preuent the same ;

It is enacted by the Court and the Authoritie therof that euery pson of the age of descretion which is accounted sixteen yeares whoe shall wittingly and willingly make or publish any lye which may bee pnisious to the publicke weale or tending to the damage or hurt of any pticulare pson or with Intent to deceiue and abuse the people with falce newes or reports shalbee fined for euery such default ten shillings ; and if the pty bee vnable to pay then to bee sett in the stockes soe longe as the Court shall think meet ;

[The former Order About lyinge is Repealed and likewise the Order about Tryalls at May Courts soe that henceforth all Tryalls by way of Jury are to bee Tryed either at October or March yearly and at no other court. S.]

Memorandum That Duxburrow bee eased in the charg about the troop of horse the next yeare ;

*Att the Generall Court holden att
Plymouth the 2^{cond} of October 1660.

*72
1660.

THE Court haue ordered that the law concerning not coming to our meetings that the fines shall not be leuied vntill the Court shalbee in a capastie to order otherwise;

It is enacted by the Court and the Authoritie therof That all our Courts warrants Summons and Comaunds bee all done directed and made in the Name of his Ma^{ty} of England our dread Sou^r: and alsoe that all Siuill officers and minnesters of Justice within this Jurisdiction to bee Sworne in his said Ma^{ties} Name as alsoe that the oath of fidelitie and all other oathes shall goe in that tenure;

In reference vnto the law prohibiting buying or hiering land of the Indians directly or Indirectly bearing date i643 the Court Interprets those words alsoe to comprehend vnder the same penaltie; a prohibition of any mans receiueing any lands vnder pretence of any gift from the Indians without the approbation of the Court; likewise the prohibition of any English to giue any powder shott or Amunition horses or boates is Intended alsoe vnder the same tearme of Indirect selling vnto the Indians vnder the same penaltie;

The fift of June i66i Charles the second; Kinge of England Scotland ffrance and Ireland &c; was Solemly Proclaimed Att Plymouth in New England;

*Att the Generall Court held Att Plymouth the
fourth of June i66i enacted as followeth

*73

IT is enacted by the Court and the authoritie therof That all psons within this Gou^rment that are att their owne dispose and haue not taken the oath of fidelitie shall repaire vnto some one of the maiestrates of this Jurisdiction to take the said oath; which if they shall neglect or refuse to doe such pson or psons shalbee Sumoned to euery election Court to make their appeerance theratt; during the time of their abode in this Gou^rment; and if any such pson or psons shall then refuse to take the said oath they shalbee fined the sume of fve pounds to the Collonies vse;

~~It is enacted by the Court and the authoritie therof That if any pson or psons comonly called Quakers or other such like Vagabonds shall come into any towne of this Gou^rment; the Marshall or Constable shall apprehend him~~

[PART II.] or them and vpon examination soe appeering hee shall whip them or cause them to be whipt with rodde; soe it exceed not fifteen stripes; and to giue him or them a passe to depart the Gouernment; and if any such pson or psons bee found within the Gouernment; without their passe or not acting according therunto they shalbee punished againe as formerly; and incase any Constable of this Jurisdiction shalbee vnwilling or cannot procure any to Inflict the punishment aforesaid that then they shall bringe such psons to Plymouth to the vnder Marshall and hee shall inflict it;

~~And forasmuch as the meetings of such psons whether strangers or others proueth disturbing to the peace of this Gouernment It is enacted by the Court and the Authoritie therof That henceforth noe such meetings bee assembled or kept by any psons in any place within this Gouernment vnder the penaltie of forty shillings a time for the owner of the place that pmitts them soe to meet together or bee whipt; and for all such as are speakers in such meetings to pay the like penaltie of forty shillings or bee whipt;~~

It is enacted by the Court That the marshall Gorge Barlow shall haue libertie to apprehend any forraigne Quaker or Quakers in any pte of this Jurisdiction and to bee procecutted according to order provided in that case;

*74 *It is enacted by the Court and the Authoritie therof that henceforth noe pson or psons shall pmitt any meetings of the Quakers to bee in his house or housing on the penaltie of being sumoned to the generall Court and there being convicted thereof shalbee publickly whipt or pay five pounds to the Collonies vse.

Whereas there is a Constant monthly meeting together of the Quakers from diuers places in great numbers which is very offenciu and may proue greatly prejudiciall to this Gouernment; and inasmuch as the most constant place for such meetings is att Duxburrow; This Court haue desired and appointed M^r Constant Southworth and Wiltam Payboddy to repaire to such their meetings together with the marshall or Constable of the Towne; and to vse their best endeauors by argument and discourse to convince or hinder them; and incase the place of their meeting should bee changed, The Court desires the aboue named or any other meet psons to attend them there alsoe;

It is enacted by the Court and the Authoritie therof That henceforth noe Summons bee Issued forth before the action bee entered and Charges defrayed.

It is enacted by the Court that henceforth all evidences and Testimonies that shalbee produced for the clearing of any case shalbee giuen into the Court in writing and to bee kept vpon the file;

fforasmuch as Jurymen for Tryall of causes betwixt pty and pty haue
bine Sumoned out of the Towne of Plymouth and other townes neare ther- [PART II.]
vnto and that by the frequency therof it hath proued burthensome to such;
It is enacted by the Court and the Authoritie therof that out of other townes
of this Jurisdiction; the most remote excepted; as occation shall require there
shalbee one man out of each towne required to attend the Courts for such
purpose whose name shalbee specified in the warrants that are Issued forth to
warne the Court

It is enacted by the Court that all stray horses or horse kind that noe
pticulare pson can make any Just proffe that they are his or theirs shall
appertaine vnto the Countrey.

It is enacted by the Court that all such as take any strays that shalbee
found and proued soe to bee They that take them vp and giue enformation
conserving them; shall haue one pte of three for their labour therin;

It is enacted by the Court that the rules and wayes to bee obserued for
the tryall of strays shalbee by their age markes Couller &c

*It is enacted by the Court That all woulues that shalbee killed by any *75
English in any pte of this Jurisdiction; They that kill them shalbee payed
by the townes in whose precincts they are killed; and such Indians as kill
any woulues; they shalbee satisfied by the Treasurer.

It is enacted by the Court That noe Stranger or forraigner shall Improoue
our lands or woods att the Cape for the makeing of fish without liberty from
the Gou^rment; and that all such as shall haue libertie shall attend such fur-
ther orders as shalbee giuen them concerning the same; and that they shall
pay six pence a kentell for all such ffish as shalbee made as aforsaid; to the
Collonies vse;

It is enacted by the Court and the Authoritie therof That all ordinary
keepers or other retaillers of strong waters doe pay an excise of foure pence
a gallon for all such liquors as is made in the Collonie and drawne forth and
retailed by them; and eight pence a gallon for all such as they shall bring
in or haue brought in to them from other ptes which they shall draw forth
and retaile as aforsaid; and that when they bring home any Liquors they
shall enter it with the towne Clarke before it bee broached on the penaltie of
the forfeiture of the third pte of the vallue of what is drawne out before it
bee excised;

Otherwise
ordered June
1662.

[PART II.]

It is enacted by the Court that five shillings shalbee payed to the Countrey vpon euery barrell of Oysters that is carryed out of the Gou^rment and that the Countrey bee not defrauded hee shall enter them with the Towne Clarke before hee carry them away or else to forfeit twenty shillings p barrell on any carryed away not entered.

~~It is enacted by the Court that all Tarr That goes out of the Gou^rment six pence a barrell bee payed for the Countreyes vpon all such Tarr as shalbee made on any lands that are within any Township; and twelue pence p barrell on such as is gathered on the Countreyes Comons and that the same Course bee taken for the entrey therof before any bee Carryed away on penaltie of forfeiting four shillings p barrell for any soe Carryed away; It is with this prouiso that all such Tarr as is made and knotts that are gathered att the time of the entery of this order comes not vnder ^{the same} this order and that ~~this order take place and begin on the first of July next;~~~~

*76

*It is enacted by the Court that for all boards and planks that shalbee Transported out of the Gou^rment three pence a hundred bee payed to the vse of the Countrey; and sixpence p hundred bee payed vpon barrell Staues and heading and eight pence an hundred on hogshead staues and hogshead headings and that both boards planck and cooper stuffe bee entered with the towne Clarke before it bee carryed away on the penaltie of the forfeiture of the one third pte of the vallue of what is carryed away not entered.

It is enacted by the Court and the Authoritie therof that whosoever shall Transport any Iron out of the Gou^rment shall pay vnto the Countreyes vse twelue pence on euery hundred and hee shall enter such Iron as hee caryeth or selleth away with the Towne Clarke on penaltie of forfeiting a third part of the vallue of it to the Countreyes vse;

Otherwise
ordered June
the 3: 1662.

The Court haueing declared by their voate that in their Judgments and Consiences the benifitt of whales is yett the Countreyes notwithstanding any thinge formerly done; haue ordered concerning them as followeth viz: That the townes where any shall come on shore may rent them for three yeares att the rate of two hogshead for a fish yearly to bee payed att Boston full and marchantable and that the deputies of those townes doe signify this tender to their townes which incase they doe not accept the Treasurer to haue power att october Court to lett it to the best aduantage to any other that will hier itt and then to allow to such Townes where any ffish comes on shore; two hogsheads out of each ffish to any publicke vse of the towne on Condition

that they suffer any man that hiereth it; ffreely to Cart and try it on their lands and with their wood. [PART II.]

It is enacted by the Court that whosoever taketh any Whale on drift att sea without those bounds and limitts alreddy sett; and doe bring them on shore hee shall haue the one halfe and the Countrey the other halfe; the Countrey to allow Cask for their pte of the oyle;

It is enacted by the Court that whosoever shall find any whale on shore on the Cape or elsewhere; That is out of any townes bounds; and is on the Countreyes bounds or limitts shall alowe the Countrey two hogsheads of oyle cleare and payed att Boston;

*It is enacted by the Court and the Authoritie therof that if any man die without Will his wife shall haue a third part of his Land during her life and a third pte of his estate foreuer; *77

It is enacted by the Court That a sufficient man in euery towne; bee appointed to take vp what excise shalbee due to the Countrey whether Iron Tarr boards oysters &c and that the said men bee vnder oath and that they shall haue power to make serch and what forfeites they find they shall haue the one halfe therof; and out of the said excise euenced to haue three shillings vpon the pound; and that they giue a Just account To the Treasurer the first of Nouember and the first of May Annually; The Names of such as are apointed are as followeth Repealed June 1662.

For Plymouth	John Morton	For Yarmouth Rich: Tayler	<i>Tayler</i>
For Duxb:	Gorg Partrich	For Barnstable	John ffinney
For Scittuate	John Turner Jni ^r :	For Marshfeild	John Bourne
For Sandwich	Gorg Barlow	For Rehoboth	Wiltam Carpenter
For Taunton	Wiltam Harvey		
For Eastham	Job Cole or some other the towne shall app.		
For Bridgwater	John Haward Juni ^r .		

The oath to bee giuen to those that receiue the excise;

fforasmuch as the Court haue seen cause to order an excise to bee layed vpon sundry thinges you shall dilligently attend the execution of all such orders in such case prouided; and both demaund and receiue such sume or sumes as shalbee due to bee payed by vertue of any the said orders; you shall faithfully keep a true account of all such sumes as you shall Therby receiue and faithfully deliuer vp a true account therof vnto the Treasurer as hee shall demaund it; according to order Soe heelp you God;

[PART II.]

The oath of a scaller of measures
is as followeth

[1 size.] Whereas you are chosen to the office of a scaller of measures for the Towne of ȝ^e You shall during your continuance in the said office Truly and faithfully seize¹ and seale all such measures as are att any time brought in vnto you for that end; according to the best of your abillities as exact as may bee according to such Standards as are allowed and provided by the Countrey Soe healp you God ȝ^e.

*78
Repealed

*It is enacted by the Court that all Tarr that goes out of the Gou^rment; six pence a barrell bee payed to the Countrey; vpon all such Tarr as shalbee made; on any lands that are within any Township; and twelue pence a barrell on such as is gathered on the Countreyes Comons; and that the same course bee taken for the entry therof before any bee carryed away on penalte of forfeiting foure shillings a barrell for any soe carryed away; provided that all such Tarr as is made or shalbee made att any time within this Instant month of June shall not fall vnder this order;

*79

*Actes and orders made and concluded by the Generall Court held att Plymouth for the Jurisdiction of New Plymouth the third of June Ann^o *June the third* 1662.

Whereas there hath bine much controuersye occasioned for want of a full and cleare settlement of matter relating vnto such whales as by Gods prouidence doe fall into any pte of this Jurisdiction This Court doth therefore order for the preuention of any discontent or controversy for the future and for a finall Issue and settlement soe farr as in the Court lyeth about the same; that for all such whales as by Gods prouidence shalbee cast on shore on any pte of this Gou^rment or shalbee by any cut vp att sea and brought on shore in the Gou^rment; there shalbee for euery such ffish one full hogshhead of Marchantable oyle payed vnto the Countrey deliuered att Boston by such townes or psons as are Interested in the lands where they fall or shall soe cutt vp any ffish att sea; and incase that any ffish bee soe considerably torne or wasted that a full quarter pte bee gone; then to pay but halfe a hogshhead and for such Inconsiderable peeces of ffish as are lesse then halfe they shall pay nothing; and for the resedew of such ffish or the produce of them as remaines the Countreyes pte being discharged It shalbee freely att the dispose of such Townes where it falls or for the Benifett of such as Cutt them vp; if taken on drift without such bounds as haue bine formerly sett; the same being still continewed;

The Court proposeth it as a thing they Judge would bee very comendable and beneficiall to the Townes where Gods Prouidence shall cast any whales; if they should agree to sett apart some pte of euery such fish or oyle for the Incouragement of an able Godly Minnester amongst them; [PART II.]

¹⁶⁶²
 *Whereas great Complaint is made of Intollarable abuse in diuers ptes of this Jurisdiction by soe great quantitie of Strong Liquors brought into, and drawne forth in the Collonie wherby is great excesse both amongst Indians and English and alsoe to preuent the abuse of trading powder and shott to the Indians It is enacted by the Court and the authoritie therof That whatsoever wine or stronge waters shott or ledd shalbee brought into this Gouernment by any boat Barke or other Vessell; or into any Inland Plantation by any Carryer or wagganer that is knowne to them the said Master Carrier or wagoner shall within three dayes of his ariual; or sooner if it bee demaunded of him giue in an Invoyce of the same either to the towne clarke; or other man appointed thervnto; on penaltie of forfeiting of the vallue of such wine or liquor the one halfe to the enformer and the other halfe to the vse of the Collonie.

*80
 1662.
 June.

And incase any master carrier or waganor shall haue cause to suspect any such goods may bee consealled in any caske or bagg amongst other goods; It shalbee lawfull for them to detaine it vnder his Charge vntill hee haue enformed the pson or psons appointed to take Care therof; in whose power it shalbee to open and serch the same; and incase It shalbee found that hath bine soe concealed; It shalbee forfeited the one halfe to the Collonie; and the other halfe to the master or any other that shall enforme;

And that all such psons as are appointed to take Invoce of such goods shall giue an account into euery of the generall Courts that soe they may enquire after and take due Course for the preuention of such abuse; and this Court doth Impower the Majestrates to take such effectuall Course against any that they shall find to transgresse in this kind; as they may in Case of other misdemeanors;

*Whereas great complaint is made of Intollarable abuse in diuers ptes of this gouernment by the bringing in of such great quantities of wine and stronge waters by which greate excesse is occasioned both amonst Indians and English; and alsoe to preuent the abuse in trading powder shott and ledd to the Indians;

81
 1662.

It is enacted by the Court and the Authoritie therof That whatsoever wine or strongwaters powder shott or ledd shalbee brought into this Gouernment by any boate barke or other vessell or into any Plantation by any Carrier

[PART II.]

or waganor that is knowne to them ; the said master Carrier or waganor ; shall within three dayes of his arrivall or sooner if it bee demaunded of him ; giue in an inuoe of the same to such pson or psons as the Court shall appoint thervnto on penaltie of his forfeiting the vallue of all such goods the one third to the Informer and one third to the Collonie, and a third to them that is appointed to Inuoe and serch ;

Moreover incase any Master Carrier or wagoner shall haue cause to suspect any such goods may bee concealed in any Cask or sacke amongst other goods ; It shalbee lawfull for him to detaine it vnder his charge vntill hee haue enformed the pson or psons appointed to take care therof ^{and authorised} ~~in whose~~ ~~power it shalbee to open and serch the same ;~~ and incase any shalbee found that hath bine soe concealed it shalbee forfeited the one third to the Collonie another third to the master or any other that shall enforme ; and another third to the searcher and that all such psons as shalbee appointed to take Inuoe of such goods shall giue an accounte into euery of the generall Courts that soe they may enquire after and take due course for the preuension of such abuse

And this Court doth Impower the majestrates to take such effectuall course against any that they shall find to transgresse in this kind as they may incase of other misdemenors

And further the Court doth require all psons within this Gou'ment that doe or shall still any stronge waters to giue in an account vnto the psons appointed thervnto of their disposall of them both of the quantitie and the psons to whom sold on penaltie of his forfeiting the vallue of such liquors as hee shall not giue in ; a third to the Collonie a third to the enformer and a third to such psons as are appointed to take Inuoyce therof ;

1662.

*81^b
Repealed.

*It is enacted by the Court that all ordinary keepers or retailers of strongwaters doe pay an excise of four pence a gallon for all such liquors as are made in the Collonie and drawne and retailed by them and eight pence a gallon for all such as they shall bring in or haue brought in to them from other ptes which they shall draw forth and retaile as aforsaid ; and that all retailers and ordinary keepers shall twise in the yeare viz: in the month of may and in the month of october ; giue in to the Treasurer or his assignes a true account of all such liquors as they shall bringe in or shalbee brought in vnto them and retailed as aforsaid vpon the penaltie of paying a fine of fve pounds for any that shalbee brought in and not accounted for as aforsaid ;

Wheras It is giuen forth that diuers are vnsatisfyed about the sale of Kenebecke and that oppertunitie is lately p'sented vnto vs for the haueing of



it againe the deputies haueing considered of the p^rmises ; and finding noe way p^rsenting it selfe by the takeing of it againe for the better aduantage of the Collonie haue with one consent agreed that they desire not to meddle with it againe but doe ratify the sale therof. [PART II.]

The Treasurer is ordered by the Court to procure a booke of the statutes of England for the vse of the Collonie

^{1662.}
 *Whereas Complaint is made of some ordinary keepers in this Jurisdiction that they doe allow p^rsons to stay on the Lords daies drinking in their houses in the Intrimes of times betwixt the exercises especially young p^rsons and such as stand not in need therof ; It is enacted by the Court and the authoritie therof that noe ordinary keeper in this Gou^rment shall draw any wine or liquor on the Lords day for any except in case of nessesitie for the releife of those that are sicke or faint or the like for their refreshing ; on the penaltie of paying a fine of ten shillings for euery default ; *82

It is ordered¹ by the Court that the Generall training shalbee one yeare att Duxburrow and another yeare att Yarmouth ; that is to say euery other yeare for the future att one of those townes ; onely this p^rsent yeare for speciall cause it is ordered to bee att Plymouth on the third² Weddensday in September next ; [¹ enacted.]
[² last.]

It is enacted by the Court that if any one of the foot souldiers of any milietary Companie of this Jurisdiction shall vnnessesarily exempt himselfe from appeerance att the generall trainings att the time and place appointed except incase of sickness lamenes Countrey busines or the like shalbee fined fve shill. a day for euery day they shall soe neglect incase they cannot giue a satisfactory reason therof vnto the milietary Comaunder in cheife of that Companie and that all such fines shalbee to the vse of the Companie to which the delinquents doe belonge ; and these daies to bee as well for the daies of marching out of the towne as for the daies of exercise in training.
1664.

It is enacted by the Court that the whole troop of horse both they and the vounteers aded to them shall haue the same libertie that was graunted to those that were the first Troopers viz: to bee freed from foot seruice watching and warding ; and likewise their horses to bee rate free.

^{1662.}
 *Whereas Notwithstanding former orders that haue bine made for the preuenting of wrong done to the Indians by the horses and hoggs of the English ; it doth appeer that the Indians liueing in remote p^rtes from any townshipes doe sustaine much wrong by horses and that the English likewise may sustaine much damage in their pticulares therby ; the Court haueing seriously considered therof and finding some Inconveniency in coming to a *83
1662.
June.

[PART II.] generall order about the same ; haue thought good to propose it to the seuerall townshipes of this Jurisdiction as a thinge much concerning them that such Townshipes where such wronge is done ; doe speedily take some course within themselues about the same ; either by agreeing with the Indians to healep them to ffence their Corne or by compounding with them to secure their Corn themselues where places are vncapable of ffencing for want of stuffe or otherwise as shalbee found most suitable to thaire Condition ; to preuent future Inconveniencies that may come by their neglect of the same ;

Wheras the Court haue formerly provided against the prophanation of the Saboth by vnnessesarie Trauelling on that day ; and haue alsoe provided against the setting vp of any publicke meeting without allowance of the Gou^rment This Court doth desire that the Transgression of these orders may bee carefully looked vnto and p^ruented ; if by any due course it may bee ;

*84 *It is enacted by the Court and the Authoritie therof that all p^rsons within this Gou^rment that are att their owne dispose and haue not taken the oath of fidelitie shall repaire vnto some one of the maiestrates of this Jurisdiction to take the said oath ; which if they shall neglect or refuse to doe such p^rson or p^rsons shalbee summoned to euery election court to make their appeerance theratt during the time of their abode in this Gou^rment ; and if any such p^rson or p^rsons shall then refuse to take the said oath they shalbee fined the sume of fve pounds to the Collonies vse ;

It is enacted by the Court that euery p^rson of the age of descretion which is accounted sixteen yeares whoe shall wittingly or willingly make or publish any lye ; which may bee pnisious to the publicke weale or tending to the damage or hurt of any p^rticulare p^rson or with Intent to deceiue or abuse the people with falce newes or reports shalbee fined for euery such default ten shillings ; and if the p^rty bee vnable to pay then to bee sett in the stockes soe longe as the Court shall thinke meet.

Wheras there hath bine much Controuersy for want of a full and Cleare settlement of matters relateing vnto such whales as by Gods prouidence doe fall into any p^rte of this Jurisdiction

This Court doth therefore order for the preuension of any discontent or Controuersy for the future and for a finall Issue and settlement soe farr as in the Court lyeth about the same ; That for all such Whales as by Gods prouidence shalbee Cast on shore in any p^rte of this Gou^rment or shalbe by any Cutt vp att sea and brought on shore in the Gou^rment there shalbee for euery such ffish one full hogshed of marchantable oyle payed vnto the Countrey

deliuered att Boston by such Townes or psons as are enterested in the lands where they fall or shall soe Cutt vp any ffish att sea ; and incase that any ffish shalbe soe Considerably torne or wasted that a full quarter be gon ; then to pay but halfe a hogshed ; and for such Inconsiderable peeces of ffish as are lesse then halfe that they pay nothing ; and for the resedew of such ffish or the produce of them as remaines the Countreyes pte being discharged It shalbe freely att the dispose of such Townes where it falls or for the benifitt of such as Cutt them vp if taken on drift without any such bounds as haue bine formerly sett the same being still continued ;

[PART II.]

The Court proposeth it as a thinge that they Judge would bee very Comendable and beneficiall to the Townes where Gods Prouidence shall Cast any Whales if they should agree to sett apart some pte of euery such ffish or oyle for the Incurragment of an able Godly Minnester amongst them ;

It is enacted by the Court That whosoever shall find any whale on shore on the Cape or elsewhere That is out of any Townse bounds and is on the Countreyes lands or limetts shall allow the Countrey two hogsheds of oyle Cleare and payed to the Countrey.

*It is enacted by the Court that the Treasurer shall procure a booke of the Statutes of England for the vse of the Collonie. *85

It is enacted by the Court that if any one of the foot souldiers of Any milletary Companie of this Jurisdiction shall vnnesesaryly exempt himselfe from appeerance att the Generall Training att the times and places appointed ; except incase of sickness lamnes Countrey busines or the like shalbe fined fiue shillings a day for euery day they shall neglect incase they Cannot giue a satisfying reason therof vnto the milletary Comaunder in Cheife ;

It is enacted by the Court That the whole Troop of horse both they and the vounteers aded to them shall haue the same libertie that was graunted to those that were the first Troopers viz: to be freed from foot seruice watching and warding ; and likewise their horses to be rate free ;

Notwithstanding all the orders that haue bine made for the preventing of wronge to the Indians by the horses and hoggs of the English It doth appeer that the Indians liueing in remote ptes from any Townshipes doe sustaine much wronge by the horses and that the English doe sustaine much damage in their pticulars therby ; The Court haueing seriously Considered therof and finding some Inconueniency in coming to a Generall order about the same haue thought good to propose it to the seuerall Townshipes

[PART II.]

of this Jurisdiction as a thing much concerning them That such Townshipes as where any such wrong is done speedily take some course within themselues about the same either by agreeing with the Indians to healp them to fence theire Corne or by Compounding with them to Cecure theire Corn themselues where places are vncapable of ffencing for want of stuffe or otherwise as shalbe found most suitable to theire Condition to preuent future Inconveniency that may come by theire neglect of the same ;

Wheras the Court haue formerly prouided against prophanation of the Saboth Day by vnnesesary Trauelling theron and alsoe haue provided against the seting vp of any publicke meeting without the allowance of the Gou^rment ; this Court doth desire that the transgression of these orders may be Carefully looked vnto if it may be ;

It is enacted by the Court, that if any Indian or Indians shalbee found drunke in any Township of this Gou^rment ; That they bee forthwith taken by the Constable of the Towne and sett in the stockes ; and that if any liquors shalbe found with the Indians that it be forfeite to the vse of the Gou^rment ; and that it shalbe lawfull for any man to seize any Indian found drunke or any liquors found with the Indians and bring him or it to the Constable to be ordered and disposed of as aforesaid ; vnlesse any Indian shall make it appeer that hee hath such Liquors according to order of Court ; and the said Indians that shalbe sett in the stockes as abouesaid shall defray the charge therof which is two shillinges and six pence a time for euery of them ;

*86

1658.

*It is enacted by the Court That euery towne of this Gou^rment shall haue a booke of the lawes of the Collonie and that they be openly read once euery yeare ;

In reference vnto such woulues as are or shalbe killed by the Indians the Collonie being out of stocke It is ordered by the Court That a psell of Wampam in the Treasurers Custody shalbe deuided and put into the hands of Leiftenant Freeman Leiftenant Hunt and the Treasurer for the paying of the Indians fifteen shillinges p head they bringing theire head when the pay is demaunded and these men to giue an account this time twelue month what they shall disburse on this account ; and if any of them shall disburse more then the peage comitted to them ; then they to be repayed againe either by rate or otherwise.

It is enacted by the Court and the authoritie therof concerning the settling of New Plantations in an orderly way that notwithstanding the graunt

of lands to any pticular psons incase such lands lye soe remote as the Inhabitants therof can not ordinarily frequent any place of publicke worship That then noe pson be admitted after the date heerof to goe to Inhabite vpon any such lands without such a competent companie or number of Inhabitants as the Court shall Judge meet to begine a societie as may in a measure carry on thinges in a satisfactory way both to Ciuill and Religious respects ; and for the more comfortable carrying on therof ; It is further ordered that such pson or psons as shall haue the graunt of such lands about such places and will neither att the p'sent liue on them themselues nor sell nor lett them to others that would ; that then such lands not yett inhabited att the begining or progresse of such societies shalbe lyable to be rated in some meet proportion towards the defraying of such nessesary charges as shall arise either on Ciuill or Religious respects as abouesaid especially respecting an able godly minnester in such place or places ;

[PART II.]

Alsoe as for such places alreddy begun with an Inconsiderable Number viz: Saconeesett Acushenett &c that it be comended vnto them to apply themselues in some effectuall way for the Increase of their number as they may carry on thinges to better satisfaction both in Ciuill and Religious respects especially that they Indeauro to procure an able Godly man for the dispensing of Gods word amongst them ; and for their quickening and Incurragement therein this Court doth order That all such lands as are within their respectiue places though not inhabited shalbe lyable to be rated in some measure of proportion for the defraying of such charges as shall nessesarily arise concerning the p'mises ;

And for the quickening and Incurragment of the well affected in the towne of Sandwich or any other plantation within this Gou'ment whoe shalbe actiue this way ; this Court takeing into their serious consideration the great need therof in euery plantation as to the propagation of the Gospell and flourishing of Religion the great and knowne end of our Transplanting into these ptes of the world as alsoe of the graunt of competent quantities of lands to the respectiue plantations ; and therefore according to their duties incombent on them ; doe heerby declare their reddines to assist such well affected as afforsaid ; by puting forth their power (wher there shalbe need) for the raiseing of comfortable and competent maintainance for such able faithfull men as shalbe procured in such Townships and make it their worke to attend vpon the minnistry of the Word of God amongst them ; from all such respectiue Inhabitants as shall Inhabite any such lands according to such former order as by the Court is alreddy prouided in such case ;

[PART II.]

*87

'It is proposed by the Court vnto the seuerall Townshipes of this Jurisdiction as a thinge they ought to take into their serious consideration That some course may be taken that in euery Towne there may be a Scoolmaster sett vp to traine vp children to reading and writing;

Wheras the Clarke of each milletary Companie of this Jurisdiction is required to gather in all fines which are or shalbe belong to their Companie It is enacted by the Court and the Authoritie therof That incase any shall refuse to pay any such fines as are or shalbe orderly amersed That the said Clarke is heerby authorised by destresse to leuy all such fines by vertue of his said office without any further order;

Wheras the Towne of Scittuate preferred a petition to this Court requesting that the Treasurers account may be more pticularly sent to the seuerall Townshipes of this Jurisdiction; The Court haue ordered That henceforth att euery election Court; any of the Townes aforsaid may if they please to send any meet pson to Joyne with others to take the Treasurers account; and soe to acquaint their respectiue Townes therewith in as pticular a manor as may be; which we hope may satisfy;

It is enacted by the Court that the Constable in each Township in this Gou'ment shall gather in all fines that shall fall within his liberties not exceeding five pound; and to haue two shillings on the pound for gathering of them;

It is enacted by the Court That all psons lyable to be rated in euery Towne of this Gou'ment; be rated according to their visable estates and faculties That is according to their faculties and psonall abillities whether they are in lands; both meddow lands Improued lands or dormond lands appropriated; or in cattle goods or stocke Employed in Trading in boates Barques & mills or other visible estate but for the Incurragment of trafficke That it be ordered That Barques Catches and bigger vessells may not be rated aboue halfe their vallue dormond lands both vpland and meddow to be rated for euery hundred acres according to forty shillings estate; and if any pson lay downe any pte of his propriety to the Comonage of the Companie there associated together hee shalbee rated but for what quantitie hee keepes his propriety in; and concerning stockes Employed in trading att home in and about the place where hee liues shalbe rated onely for two thirds of such stockes soe Improued; As thus one hundred and twenty pound stocke to be Employed in trading shalbe rated for eighty pounds; and soe proportionable.

Concerning dormond lands that the psons be rated for them in such Townships as the psons That ownes them Inhabites. [PART II.]

*It is enacted by the Court That in euery Towne of this Jurisdiction there be three or fiue Celect men Chosen by the Townsmen out of the freemen such as shalbe approued by the Court ; for the better managing of the afares of the respectiue Townships ; and that the Celect men in euery Towne or the major pte of them are heerby Impowered to heare and determine all debtes and differences arising between pson and pson within their respective Townships not exceeding forty shillings ; as alsoe they are heerby Impowered to heare and determine all Differences arising betwixt any Indians and the English of their respective Townships about damage done in Corne by the Cowes swine or any other beastes belonging to the Inhabitants of the said respectiue Townships ; and that the determination of the abouesaid Differences not being satisfied as was agreed, the pty wronged to repaire to some Majestrate for a warrant to recover such award by distraint ; *88

It is further enacted by the Court That the said Celect men in euery Township approued by the Court or any of them shall haue power to giue forth sumons in his Ma^{ties} Name to require any psons complained of to Attend the hearing of the Case and to summon witnesses to giue Testimony vpon that account and to determine of the Controuersyes according to legall euidence ; and that the psons Complaining shall serue the summons themselves vpon the psons complained against ; and incase of their non appeerance to proceed on Notwithstanding in the hearing and determination of such controuersys as comes before them ; and to haue twelue pence apeece for euery award they agree vpon

It is likewise enacted by the Court that such Indians as plant in any Township of this Jurisdiction ; that they shall cecure their Corne by sufficient ffences from any damage that may come thervnto by any Cattle of the English amongst whom they dwell ; and for such Indians as shall plant on their owne land out of the bounds of any township That the English are either to heelp them in ffencing their Corne or to satisfy for such damage as shalbe done vnto them by their cattle or beastes therein ;

It is enacted by the Court That all matters of misdemenior That the majestrates shall take cognizance of without p^rsentment by the Grandenquest They haue full power and determine them by fine or otherwise as the nature of the offence may require as if p^rsented.

fforasmuch as noe house of Correction is yett prouided in this Gou^rment

[PART II.] to receiue and punish such as not onely liue Idley and vnprofitably but are otherwise vicious and wicked in their carriage towards their parents or otherwise ;

It is enacted by the Court That any two Majestrates of this Jurisdiction haueing examined the case shall haue power any offender to be punished by stocking or whipping according to the nature of the offence ;

*1. **Wheras* Wee are certainly Informed that it hath pleased God ; to Establiſh our Sou^r Lord Kinge Charles the ſecond in the Injoyment of his vndoubted Right to the Crownes of England Scotland ffraunce and Ireland ; and is ſoe declared and owned by his Good ſubjects of theſe Kingdomes

Wee therfore his Ma^{ties} Loyall ſubjects the Inhabitants of the Jurisdiction of New Plymouth doe heerby declare our ffree and Reddy concurrence with ſuch other of his Ma^{ties} Subjects and to his ſaid Ma^{ties} his heires and Succeſſors wee doe Moſt humbly and ffaithfully ſubmitt and oblige our ſelues for euer ; God ſane the Kinge ;

June the fift Ann^o Dom : i66i.

*The fift day of June i66i.

[PART III.] CHARLES THE SECOND King of England Scotland ffraunce and Ireland &c was ſolemnly proclaimed att Plymouth in New England in America ;

*1

PLYMOUTH RECORDS.

Laws.

PART III.



1

2

3

* **T**HE Booke of the Generall Lawes and
liberties of the Inhabitants of the Ju-
risdiction of New Plymouth Collected
out of the Records of the generall Court; and
lately Revifed and eftablifhed and difpofed into
an Alphabeticall order; and publifhed by the
Authoritie of the Generall Court held att New
Plymouth the 29th day of September: Ann^o
Dom^o: 1658

[PART III.]

*2

Bee Subject to euery
ordinance of Man for
the Lords sake

1 peter 2 : 13 :

[PART III.]

*3

* **T**O our beloued bretheren and Naighbours the Inhabitants of the Jurisdiction of New Plymouth; The Gou^r: Assistants and Deputies assembled att the generall Court of that Jurisdiction held att the Towne of Plymouth the 29th day of September Ann^o: Domⁱ: 1658, wisheth grace and peace in our Lord Iesus Christ;


IT was the great privilidge of Israell of old and soe was acknowledged by them Nehemiah the 9: 13 That God gaue them right Judgments and true lawes; for God being the God of order and not of confusion hath Comaunded in his word; and put man into a capacitie in some measure to obserue and bee guided by good and wholesome lawes which are soe fare good and wholesome; as by how much they are deriued from and agreeable to; the Ancient platforme of Gods lawe; for although sundry pticulares in the Judiciall law which was of old jnioyned to the Jewes: did more especially (att least in some cercomstances) befitt their Pedagogye; yett are (they for the maine) soe exemplary being grounded on principalls of morall equitie as that all men; (Christians especially) ought alwaies to haue an eye thervnto; in the framing of their Politique Constitutions; and although seuerall of the heathen Nations whoe were Ignorant of the true God and of his lawe haue bine famous in their times for the enacting and execution of such lawes as haue proued profitable for the Gou^rment of their Comonwealth in the times wherein they liued; yett notwithstanding their exelencye appeered so fare; as they were founded vpon grounds of morall equitie which hath its originall from the lawe of God; and accordingly wee whoe haue bine actors in the framing of this smale body of lawes together with other vsefull Instruments whoe are gone to their rest; can safely say; both for ourselues and them; that wee haue had an eye principally and primarily vnto the aforsaid platforme; and 2condarily vnto the Right Improuement of the liberties graunted vnto vs by our Superiours the state of England att the first begining of this Infant plantation which was to enact such lawes as should most befitt a state in the nonage therof; not rejecting or omitting to obserue such of the lawes of our Natiue Countrey as would conduce vnto the good and growth of soe weake a begining as ours in this Wildernes as any Impartiall eye not forestaled with prejudice may eazely descerne in the pusall of this smale booke of the lawes

of our Collonie; The p^rmisses duely considered might worke euery consien-
 cious sperit to faithfull obeidience; and although wee hold and doe affeirme
 that both Courts of Justice and Majestrates; whoe are the minnesters of the
 lawe are esentially Ciuill; Notwithstanding wee conceiue that as the Majes-
 trate hath his power from God soe vndoubtedly hee is to Improue it for the
 honor of God; and *that in the vphoulding of his worship and seruice and
 against the contrary; with due respect alsoe to bee had vnto those that are really
 consiencious; though differing and discenting in some smaller matters; but if
 any really or in pretence of consience shall professe that which eminently
 tendeth to the Invndation of Ciuill State and violation of Naturall bonds or
 the ouerthrow of the Churches of God or of his Worship; that heer prudence is
 to bee Improued in a speciall manor in the enacting and execution of lawes;
 It hath bine our endeauors in framing of our lawes that nothinge should bee
 found amongst them but that which will fall vnder the same pticulares; wee
 haue likewise reduced them to such order as they may most conduce to our
 vtillitie and profit; posibly it may bee that weaknes may appeer in the com-
 posure of sundry of them for want of such plenty of able Instruments as
 others are furnished withall; howeuer lett this suffice the gentle Reader; that
 our ends are to the vtmost of our powers; in these our endeauors to promote
 both Church and State both att the p^rsent and for the future; and therfore soe
 fare as wee haue aimed att the glory of God and comon good; and acted ac-
 cording to God; bee not found a Resister but obeidient; least therby thou
 Resist the ordinance of God and soe Incurr the displeasure of God vnto
 damnation; Romans 13: 2:

[PART III.]

*4

By Order of the Court
 Nathaniel Morton
 Clerk:



[PART III.]

*5

*A Declaration demonstrating the warrantable grounds and proceedings of the first associates of the Gou'ment of New Plymouth in their laying the first foundation of the Gou'ment in this Jurisdiction for making of lawes and disposing of lands and all such thinges as shall or may Conduce to the welbeing of this Corporation of New Plymouth;

WHERAS John Carver Wilham Bradford Edward Winslow Wilham Brewster Isacke Allerton and diuers others the subjects of our late Sou^r: Lord Kinge James by the grace of God Kinge of England Scotland ffraunce and Ireland Defendor of the faith &c did in the eighteenth yeare of his Raigne of England ffraunce and Ireland; and of Scotland the fifty fourth which was in the yeare of our Lord God one thousand six hundred and twenty; vndertake a voyage into that pte of America called Verginnia or New England thervnto adjoyning; there to erect a plantation and Collonie of English; Intending the glory of God the enlargment of his Ma^{ties} dominions and the speciall good of the English Nation

And Wheras by the good Prouidence of God the said John Caruer William Bradford Edward Winslow Wilham Brewster Isacke Allerton and their associates ariued in New England aforsaid in the harbour of Cape Cod or Paomett Scittuate and being in New England aforsaid; where all the said psons entered into a Ciuill Combination; being the eleuenth day of Nouember in the yeare aforementioned; as the subjects of our said Sou^r: Lord the Kinge; to become a body Polittique binding our selues to obserue such lawes and ordinances and obey such officers as from time to time should bee made and Chosen for their well ordering and guidance; and thervpon by the fauor of the Almighty; began the first Collonie in New England; there being then none other within the said Continent; att a place Called by the Natiues Apaum altis Patuxett; and by the English New Plymouth; all *which Lands being void of Inhabitants; Wee the said John Carver Wilham Bradford Edward Winslow Wilham Brewster Isacke Allerton and the rest of our Associates; entering into a league of Peace with Massasoiett since called Woosamequen Prince or Sachem of these ptes; hee the said Massasoiett freely gaue them all the lands adjacent to them; and their heires for euer; acknowledgning himselfe content to become the subject of our Sou^r Lord the Kinge aforsaid his heires and Successors and takeing protection of vs the said John Carver Wilham Bradford Edward Winslow Wilham Brewster Isacke Allerton and their Associates the naturall subjects of our Sou^r: Lord the Kinge aforsaid But haueing

noe speciall letters Pattents for the *the* said ptes of New England but onely the generall leaue and libertie of our Consiences in the publicke worship of God where euer wee should settle ; *being therefore now settled and requiring speciall lycence and Comission from his Ma^{tie} for the ordering of our affaires vnder his graciouse protection ; had sundry Comissions made and Confirmed by his said Ma^{ties} Councell for New England to John Peirse and his associates ; whose names wee onely made vse of and whose associates wee were in the late happy and memorable Raigne of our said Sou^r: Lord King James ; But finding our selue still straightened ; and a willingnes in the hono^{ble} Councell aforsaid to enlarge v^r ; ptely in regard of the many difficulties wee had vndergone ; and ptely in regard of the good service wee had done ; as well in releiueing his Ma^{ties} Subjects as otherwise wee procured a further enlargement vnder the name of Wiltam Bradford aforsaid and his Associates whose names wee likewise vsed ; and whose associates as formerly wee still are ; By vertue of which said letters Pattents libertie is giuen to vs deriuatory from our Sou^r: Lord King Charles bearing date the thirteenth of January i629 being the fift yeare of his raigne of England Scotland ffrance and Ireland 43 and signed by the Right hono^{ble} Robert Earle of Warwicke in the behalfe of his Ma^{ties} said Councell for New England ; and sealed with their Comon seale to frame and make *orders ordinances and Constitutions for the ordering disposing and Goſning of our psons and distributeing of our Lands within the said Lymetts To bee holden of his Ma^{tie} his heires and successors as of his mannor of East greenwich in the County of Kent in free and Comon Soccage and not in Capite nor by Knights seruice, viz: all that pte of America and tract and tracts of land that lyeth within or between a certaine Rivolett or Rundelett comonly called Coahassett allis Conahassett towards the north ; and the Riuer called Narragansett Riuer towards the south and the great Western Ocean towards the East ; and within and between a straight line directly extending into the maine towards the west ; from the mouth of the said Riuer called Narragansett Riuer to the vtmost bounds and lymetts of a Countrey or place in New England called Pocanacutt allis Puckanackicke allis Sowamsett westwards ; and another like straight line extending it selfe directly from the mouth of the said Riuer called Coahassett allis Conahassett towards the west so fare vp into the maine land westwards as the vtmost lymetts of the said place or Countrey comonly called Pokanacutt allis Puckanackicke allis Sowamsett doth extend ; together with the one halfe of the said Riuer called Narragansetts ; and the *said Riuolett or Rundelett called Coahassett allis Conahassett ; and all lands Riuer waters hauens creekes ports ffishings fowlings ; and all hereditiments profitts Comodi-

[PART III.]

*7

*8

*9

[PART III.] ties and emoluments whatsoever; Scituate lying and being arising within or between the said lymetts or bounds or any of them; furthermore all that Tract or pte of land in New England or pte of america aforsaid which lyeth within or between; and extendeth it selfe from the vtmost lymetts of Cobbasecontee altis Comacecontee which adjoyneth to the Riuer of Kennebecke altis Kennebeckicke towards the western Ocean; and a place called the falls at Nequamkicke in America aforsaid; and the space of fifteen English miles on each side of the said Riuer comonly called Kenebecke Riuer; that lyeth within the said bounds Eastwards Westwards Northwards and southwards last aboue mentioned; and all lands grounds soyles Riuers waters ffishings heridetiments and proffitts whatsoever scituate lying and being arising happening or accrewing in or within the said lymetts or bounds or either of them; together with free Ingresse egresse and Regresse with shippes boates shallops and other vessels from the sea called the western ocean; to the Riuer called Kennebecke and from the said Riuer to the said Western Ocean; together with *all prorogatiues Rights Royalties Jurisdictions priuiledges franchises liberties and emunities and alsoe marine liberties with the escheats and casualties therof; the Admiraltie Jurisdiction excepted; with all the Interest right title claime and demaund whatsoever which the said Councell and their successors now haue or ought to haue or may haue or require heerafter in or to any of the said Tract or portion of lands heerby mencioned to bee graunted; or any the pmisses in as free large ample and beneficiall manor to all Intents and constructions whatsoever as the said Councell by vertue of his Ma^{ties} said letters may or can graunt; To haue and to hold the said Tract and tracts of land and all and singulare the pmisses aboue mencioned to bee graunted with their and euery of their appurtenances; To the said Wiltam Bradford his heires associates and assignes for euer To the onely proper vse and absolute behoofe of the said Wiltam Bradford his heires associates and assignes for euer; yeilding and paying vnto our said Sou^{er}: Lord the Kinge his heires and successors for euer; one fift pte of the Oare of the mines of Gould and siluer; and one other fift pte therof to the Presedent and Councell; which shalbee had posessed and obtained within the precincts aforsd for all seruices and demaunds whatsoever; allowing the said Wiltam Bradford his associates and assignes and euery of them his and their agents tenants and servants; and all such as hee or they shall send *or Imploy about his said pticulare plantation; shall and may from time to time freely and lawfully goe and returne trad or trafficke as well with the English as any the Natiues within the precincts aforsaid; with libertie of fishing vpon any pte of the sea coast and sea shores of any the seas or Ilands

adjacent; and not being Inhabited or otherwise disposed of by order of the said Presedent and Councell forbidding all others to traffick with the Natiues or Inhabitants in any of the said Lymetts; without the speciall leaue of the said Wiltam Bradford his heires and associates; and allowing the said Wiltam Bradford his heires and associates to take apprehend seize and make prise of all such psons their Shipes and goods as shall attempt to Inhabite or trad with the salvage people as aforesaid;

[PART III.]

Morouer Whereas in the first begining of this Collonie diuers Marchants and others of the City of London and elsewhere adventured diuers sumes of money with the said John Caruer Wiltam Bradford Edward Winslow Wiltam Brewster Isacke Allerton and the rest of their asociates on certaine tearmes of ptenorship to continew for the tearme of seauen yeares the said tearme being expired; the plantation by reason of manifold losses and Crosses by sea and land in the begining of soe great a worke being largely Indebted and noe *meanes to pay the said debtes but by the sale of the whole and the same being put vpon sale; the said Wiltam Bradford Edward Winsow Wiltam Brewster Isacke Allerton and other our associates the Inhabitants of New Plymouth and elsewhere being loth to bee deprived of our labours bought the same; for and in consideration of eighteen hundred pounds sterling viz: all and singulare the priuilidges lands goods Chattles ordinance amunition or what-

*12

soeuer appertained to the said plantation or the adventures^{er}; with all and singulare the priuilidges thervnto belonging; as appeers by a deed between the said Isacke Allerton then agent for the said Wiltam Bradford and his Associates on the one pte; and John Pococke Robert Keine Edward Basse James Sherley and John Beachamp on the other pte being thervnto deputed by the said Marchants and the rest adventuring as aforesaid; as appeers by a Deed bearing date the sixt of Nouember in the third yeare of the Raigne of our Sou^r: Lord Charles by the grace of God Kinge of England Scotland ffrance and Ireland 4th Ann^o Domⁱ: 1627 one thousand six hundred twenty and seauen; Bee it Knowne vnto all men by these p^sents that according to our first Intents for the better effecting the glory of God; the Inlargment of the dominions of our said Sou^r: Lord the Kinge, and the speciall *good of his subjects by vertue as well of our Combination aforesaid; as alsoe the seuerall graunts by vs procured; in the Names of John Peirce and Wiltam Bradford their heires and associates together with our lawfull right in respect of vacancye donation or Purchase of the Natiues and our full purchase of the adventures before expressed; haue giuen vnto and allotted assigned & graunted to all and euery pson and psons whose name or names shall follow

*13

[PART III.]

vpon this publicke Record such proportion or proportions of grounds with all and singulare the priuiledges thervnto belonging as aforsaid; to him or them his or their heires and assignes successiueley for euer to bee holden as of his Ma^{ty} his manor of East Greenwich in the Countey of Kent in free and comon Soccage and not in Capite nor by Knights service Yeilding and paying vnto our said Sou^r: Lord the Kinge his heires and Successors for euer one fift pte of the Oare of the Gould and siluer and one other fift pte to the Presedent and Councell which shalbee possessed and obtained as aforsaid; and whatsoeuer lands are graunted vnto any by the said Wiltam Bradford Edward Winslow Wiltam Brewster Isacke Allerton or their heires or associates as aforsaid; being acknowledged in publicke Court and brought to this booke of Records of the seuerall Inheritances of the subjects of our Sou^r Lord *the King within this Gou^rment It shalbee lawfull for the Gou^r of New Plymouth from time to time successiueley to giue vnder his hand and the Comon seale of the Gou^rment a Coppy of the said Graunt soe Recorded Confeirming the *the* said lands to him or them his or their heires or assignes for euer with the seuerall bounds and lymetts of the same; which shalbee sufficient euidence in law from time to time and att all times for all Intents and purposes the said ptie or pties his or their heires or assignes for euer To haue and to hold the said portion of lands soe graunted bounded and recorded as aforsaid with all and singulare the appurtenances belonging thervnto; To the onely proper and absolute vse and behoofe of the said pty or pties his or their heires and assignes for euer;

Nouem 15 1636.

*15

*Wee the Associates; of New Plymouth coming hither as freeborne subjects of the State of England; endowed with all and singulare the priuiledges belonging to such being assembled; doe ordeine constitute and inacte That noe acte Imposition law or ordinance bee made or Imposed vpon vs att p^rsent or to Come but such as shalbee made and Imposed by Consent of the body of the Associates or their Representatiues legally assembled, which is according to the free liberties of the State of England;

1636.
where the
courts are to
bee kept.

It is further enacted That all our Courts bee kept att the Towne of Plymouth; except the Gou^r and Assistants shall see Reason to keep some Courts of assistants elsewhere within this Gou^rment.

1642.

1658.

Wheras by the first Associates of this Gou^rment the Courts of election were held in the month of January anually; and afterwards in the month of

March anually; by reason of the vnseasonableness of those times of the
 yeare; It is enacted by the Court and the Authoritie therof that the elec-
 tion Court bee holden the first Tusday in June anually and the other gen-
 erall Courts to bee holden the first Tusday in october and the first Tusday
 in March anually; ~~and that the Courts of Assistants bee holden the first~~
 Tusday in ~~August~~ the first Tusday in December and the first Tusday in
 february ~~and the first Tusday in May~~ Annually.

The times of
 the Courts
 when to be
 kept.

Sence ordered
 that there is
 noe Court of
 Assistants.

*It is enacted by the Court and the Authoritie therof that all such as
 shalbee admitted freemen of this Corporation shall stand one whole yeare
 propounded to the Court viz: to bee propounded att one June Court and to
 stand soe propounded vntill the next June Court following and then to bee
 admitted if the Court shall not see cause to the Contrary;

1658.

*16

when men are
 to bee admitted
 to freedome.

Wheras a Committee was chosen viz: Mr Thomas Prence Mr Wilham Coll-
 yare Mr Thomas Dimmacke Mr James Cudworth Mr Josias Winslow John
 Dunham seni^r Gorge Soule and Constant Southworth to consider of the proposi-
 tion propounded by the deputies to the Court held att Plymouth in october 1650
 concerning the major pte of the Court to order the adjournments and desolu-
 tions of the generall Courts and the makeing and repealing of lawes; they the
 said Committee declared theire minds to bee that matters in the aforesaid respects
 to rest vnaltered as they were; and that for the future as formerly in the
 makeing and repealing of lawes and adjournment of Courts wherin Comittees
 are requisite the majestrates and deputies to bee considered as one body.

June 1650.

Majestrates
 and Deputies
 to acte as one
 body.

Wheras diuers actes and orders touching the makeing and repealing of
 lawes att June Courts and theire adjournments is rendered with a dubiouse
 Interpretation; and that this Court haueing by propositions to the seuerall
 towneshipes; desired theire answares in order to the regulateing therof;
 but not receiueing any answare from sundry of them; haue seen cause to
 declare theire owne sence therof and therefore doe enact; that fitt and able
 psons bee anually chosen out of the ffreemen to attend June Courts and the
 seuerall adjournments therof by the approued Inhabitants quallified as in such
 case is provided; of this Jurisdiction in theire respectiue Towneshipes; for depu-
 ties vnto whom with the majestrates as the body Representatiue is comited
 full power for the makeing and repealing of all lawes as vpon theire seriouse
 considerations they shall find *meet for the publicke weale of this Jurisdiction;
 and that then onely such lawes bee enacted; or repealed except the Gou^r for
 the time being shall see waighty and nessesary cause by the complaint of the

Sept 29 1658.

majestrates
 and deputies
 power in make-
 ing and repeal-
 ing lawes.

*17

[PART III.] freemen or otherwise to call a speciall Court; either of the whole body of the freemen or their deputies; the freemen of this Jurisdiction being left to their liberties to send their votes by proxy for the choice of Gou^r Assistants Commissioners and Treasurer in such wayes as by order of Court is already provided and this order to stand in full force till the whole body of freemen shall take further order therein; It is alsoe further provided that vpon notice giuen; in an orderly way to the Gou^r by the major pte of the freemen of this Jurisdiction of their apprehensions of a nessesitie of the whole body of freemen to come together; that then the Gou^r for the time being shall take the first oppertunitie to summon in the body of freemen to advise and acte therein as the matter shall require;

1636. It is enacted by the Court and the Authoritie therof That on the first Tuesday in June anually there shalbee a Gou^r and seauen assistants chosen to Rule and Gou^ren the said plantations and Townshipes within the lymitts of this Corporation; and this election to bee made onely by the freemen therof;

1636. And that the said Gou^r in due season by warrant directed to the seuerall Constables in the name of his Ma^{ty} giue warning to the freemen either to make their psonall appeerance att the Courts of election or to send their votes by proxy for the choice of officers according to order and that all our Courts Warrants Summons and Comaunds bee all done directed and made in the Name of our Sou^r Lord the Kinge ℥

1660. It is enacted by the Court and the authoritie therof That all our Courts Summons warrants and comaunds bee all done directed and made in the Name of his Ma^{ty} of England our dread Sou^r: and alsoe that all Ciuill officers and ministers of Justice in this Jurisdiction to bee sworne in his said Ma^{ties} Name; as alsoe that the oath of fidelitie and all other oathes shall goe in that tenure;

*18 *The oath of a freeman.

1636. You shalbee truly Loyall to our Sou^r Lord the Kinge his heires and Successors; You shall not doe nor speake devise or aduise any thinge or thinges act or actes directly or Indirectly by Land or water; that shall or may tend to the destruction or ouerthrow of any of these plantations or townshipes of the Corporation of New Plymouth; neither shall you suffer the same to bee spoken or done but shall hinder oppose and discouer the same to the Gou^r and Assistants of the said Collonie for the time being or some one of them; you shall faithfully submitt vnto such good and wholesome lawes and ordinances; as either are or shalbee made for the ordering and Gou^rment of the same; and shall endeauor to advance the good and growth of the seuerall

Townshipes and plantations within the Lymetts of this Corporation by all due meanes and courses ; all which you p^romise and sweare by the Name of the great God of heauen and earth simply truely and faithfully to p^rforme as you hope for healpe from God whoe is the God of truth and the punisher of ffalchhood. [PART III.]

*Wheras in regard of age disabillity of body vrgent occations and other Inconveniencies that doe accrew sundry of the ffreemen are hindered ; that they cannot appeer att Courts of election ; in consideration wherof ; It is enacted by the Court and the Authoritie therof that any freeman of this Corporation shall haue libertie to send his voate by proxy for the choise of Gou^r Assistants Comissioners and Treasurer and the deputies of the seuerall Townes chosen to attend the Courts of election and the seuerall adjournments therof ; shall in the Towne meeting in which they are chosen ; they or either of them ; giue notice vnto the ffreemen ; that those that Intend not to make their psonall appeerance att the Court of election are now to giue in their voates Sealed vp for the chosing of Gou^r Assistants Comissioners and Treasurer ; and the said deputies to obserue by a list of their names whoe haue voated and whoe haue not ; the which voates soe brought in to bee ymmediately sealed vp and brought vnto and deliuered in open Court by the said deputies ; 1651.
*19
voates by
proxy.

Wheras the Court hath taken notice that diuers of the ffreemen of this Corporation doe neither appeer att Courts of Election nor send their voates by proxy for the Choise of majestates &c It is enacted by the Court and the authoritie therof that whosoever of the ffreemen of this Corporation ; that shall not appeer att the Court of election ; att Plymouth in June anually nor send their voate by proxy according to order of Court for the choise of Gou^r Assistants Comissioners and Treasurer shalbee fined to the Collonies vse the sume of ten shillings for euery such default unlesse some vnavoidable Impediment hinder such in their appeerance ; 1660.
fines for not
voating.

*It is enacted by the Court and the Authoritie therof that att Courts of election the voates of all the ffreemen p^rsent bee first read ; and next after them the deputies of the seuerall Townes shall orderly p^rsent the proxy of their owne Towne. 1658.
*20
the time of
opening and
reading of
proxy.

It is enacted by the Court and the Authoritie therof that other publicke officers besides Gou^r and Assistants bee chosen and established att the Court in June Annually viz: Comissioners and Treasurer and that other Inferior officers as Constables Grandjurymen and Surveyors of the highwaies bee then alsoe confeirmed if approued by the Court ; 1658.
all officers to
bee chosen and
established in
June ;

1658. It is enacted by the Court and the Authoritie therof that incase there
of the office of shalbee occation for a Corrowner that the next majestrate where such acce-
a Corrowner. dent falls shall sitt as Corrowner and execute that office according to the
this aded June Custome of England as neare as may bee ; It is further enacted by the Court
1668. as an addition to this order, That the Corrowner shall psonally repaire vnto
the place where such accident falls out and view the Corpes himselfe vnless
it shall fall out att soe great a distance of place as hee cannot goe or some
other Ineuitable Impediment doe hinder ; and in such case the constable of
the Township where such accedent falls shall supply his place ; and the Cor-
rowners enquest to be payed ordinary wages according to the time they are out ;

1636. It is enacted by the Court and the Authoritie therof That the Gou^r ; and
two of the Assistants att least shall as occation shalbee offered in time con-
venient ; determine in such ^{lesser} ~~triviall~~ Cases viz : vnder forty shillings between
man and man as shall Come before them ; as alsoe in offences of smale nature
shall determine doe and execute ; as in wisdome God shall direct them ;

*21 *It is enacted by the Court ^ ^ ^

*22 *The office of the Gou^r:

1636. The office of the Gou^r for the time being consisteth in the execution of
such lawes and ordinances as are or shalbee made and established for the good
of this Corporation according to the bounds and lymetts therof ; viz: in calling
together or advising with the Assistants or Councell of the said Corporation
vpon such matteriall occations (or soe seeming to him) as time shall bringe
forth In which assembly and all other the Gou^r to propound the occation of the
assembly and haue a double voyce therin ; if the assistants Judge the case to
great to bee desided by them and refer it to the Generall Court then the Gou^r
to Summon a Court by warning all the freemen that are then extant ; as alsoe
incase the major pte of the ffreemen seing waighty cause for the whole body of
ffreemen to meet together and in an orderly way acquaint the Gou^r with their
desires therof ; then hee shall sumon the whole body of ffreemen together
with all convenient speed ; and there alsoe to propound Causes and goe
before the Assistants in the examination of pticulares and to propound such
sentance as shalbee determined ; further it shalbee lawfull for him to arrest
and comitt to ward any offenders ; provided that with all convenient speed
hee bringe the cause to hearing either of the Assistants or generall Court
according to the nature of the offence ; alsoe it shalbee lawfull for him to
examine any suspicious psons for euill against the Collonie ; as alsoe to Interrupt
or oppose such letters as hee conceiueth may tend to the ouerthrow of the

same ; and that this office continew one whole yeare and noe more ~~without~~ ^[PART III.]
~~vis vntill another bee elected~~
~~renewall by election;~~

*The Oath of the Gou^r:

*23

You shalbee truely Loyall to our Sou^r Lord King Charles his heires
 and Successors ; Alsoe according to that measure of Wisdom vnderstand-
 ing and discerning giuen vnto you ; shall faithfully equally and Indiffer-
 ently without Respect of p^{ersons} Adminnester Justice^{according to Law} in all Cases Coming before
 you as the Gou^r of New Plymouth ; You shall in like manor faithfully duely
 and truely execute the lawes and ordinances of the same ; and shall laboure
 to aduance and further the good of the Townshipes and plantations within the
 Lymetts therof ; to the vttermost of your power ; and oppose any thing that
 shall seeme to hinder the same ; soe heelp you God whoe is the God of
 truth and the Punisher of falchhood ;

1636.

Att the Court held att Plymouth the 11th of June 1664
 this following Aded and the Gou^r tooke oath thervnto

You shall alsoe Carefully attend what is Required by his Ma^{ties} Priuy
 Councill ; of the Gou^rnors of the respectiue Collonies ; In reference vnto
 an acte of Parliament for the Incurrageing and Increasing of shipping and
 Nauigation bearing date from the first of December 1660 ;

*The office of an Assistant.

*24

The office of an Assistant for the time being consisteth in appeering att
 the Gou^rs summons and giueing his best advise both in publicke court and
 private Councill with the Gou^r for the good of the seuerall Townshipes
 and plantations within the Lymetts of this Gou^rment not to disclose but to
 keep secrett such thinges as concerne the publicke good and shalbee thought
 meet to bee concealed by the Gou^r and Councill of Assistants ; In haueing a
 speciall hand in examination of Publicke offenders ; and in contriueing the
 affaires of the Collonie ; To haue a voyce in the sensureing of such offenders
 as shalbee brought to publicke Court ; And That if the Gou^r haue occation to
 bee absent from the Collonie for a short time ; (by the Gou^r with the consent of
 the rest of the Assistants) hee may bee deputed to Gou^ren in the absence of the
 Gou^r : alsoe it shalbee lawfull for him to examine and Comitt to ward wher
 any occation ariseth where the Gou^r is absent provided the p^{erson} bee brought
 to hearing with all convenient speed before the Gou^r and the rest of the
 Assistants alsoe it shalbee lawfull for him in his Ma^{ties} Name to direct his
 warrants to any Constable within this Gou^rment whoe ought faithfully to

1636.

[PART III.] execute the same according to the nature and tenure therof; and may bind
 ouer psons for matter of crime to answere att the next ensueing Court of
 his Ma^{tie} after the fact comitted or the pson apprehended.

*25

*The Oath of an Assistant.

1636.

You shall all sweare to bee truely Loyall to our Sou^r Lord Kinge Charles
 his heires and Successors; you shall faithfully truely and Justly accord-
 ing to the measure of discerning and descretion God hath giuen you; bee
 Assistant to the Gou^r for this p^rsent yeare; for the execution of Justice^{according to Law} in all
 cases; and towards all psons coming before you without psiallitie according to
 the Nature of the office of an Assistant read vnto you Moreouer you shall
 dilligently duely and truely see that the lawes and ordinances of this Corpo-
 ration bee duely executed; and shall laboure to advance the good of the seu-
 erall plantations within the lymett therof; and oppose any thinge that shall
 hinder the same by all due meanes and courses soe heelp you God whoe is
 the God of truth and the Punnisher of ffalchhood;

*26

1636.

*It is enacted by the Court and the authoritie therof that att euery elec-
 tion Court some one of the Assistants or some other sufficient man bee chosen
 Treasurer for the yeare following whose place it shalbee to demaund and
 receiue in whatsoever sume or sumes shall appertaine to the Royaltie of the
 place either coming in by way of fine amercement or otherwise; and shall
 Improue the same; for the publicke benefitt of this Corporation.

1644.

It is further enacted by the Court that the Treasurer shall att the
 election Courts Annually giue in his accounts of his receipts and paiments for
 his yeare to any that the Court shall appoint and to bee entered vpon Record
 and thervpon to bee discharged;

1654.

It is likewise enacted by the Court that the Treasurer by vertue of his
 said office shall take order that all debts due to the Countrey bee seasonably
 brought in vnto such place or places as hee shall appoint that soe all dues and
 debts due vnto any pson or psons from the Countrey may bee by him sea-
 sonably and Satisfactorily defrayed except the publicke officers wages which
 is otherwise prouided for;

1658.

It is enacted by the Court that it shalbee in the libertie of the Treasurer
 after a month is past after Judgment; by his warrant to require in any fine as
 hee shall see reason.

*The oath of the Treasurer.

*27

You shall faithfully serue in the office of the Treasurer in the Jurisdiction of New Plymouth for this p'sent yeare during which time you shall diligently enquire after demaund and receiue whatsoeuer sume or sumes shall appertaine to this Gou'ment arising by way of fine Amercement Royaltie or otherwise and shall faithfully Improue the same for the vse of the Gou'ment and according to order dispose therof as occation shall require ; you shalbee reddey to giue in a true account vnto the Court of your actings in your said office yearly att June Courts So heelp you God ƿ;

1659.

It is enacted by the Court that three men shalbee Nominated in the voates for Choise of Comissioners that soe incase of failing of either of the first two nominated in the voates, by Reason of some euident hand of God Impeding that then the third nominated to supply his place ;

1659.

*The Oath of the Clarke of the Court.

*28

You shall faithfully serue in the office of the Clarke of the Court for the Jurisdiction of New Plymouth You shall Attend the Generall Courts held for this Gou'ment att Plymouth aforsaid and the seuerall Adjournments therof ; and the Courts of Assistants and there Employ your selfe in such occasions as are behoofull to your said place and office ; you shall likewise attend such other meetings of the maiestrates of like nature as aboue expressed that shall or may fall out in the Interems of time betwixt the said Courts ; you shall not disclose: but keep secret such thinges as conserne the Publicke good ; and shalbee thought meet to bee Concealed by the Gou' And Councell of Assistants ; You shall faithfully Record all such thinges as you shall haue order from Authoritie to Comitt to Publicke Record and shall faithfully keep the publicke Records of this Jurisdiction Soe heelp you God ƿ ;

1658.

It is enacted by the Court and the Authoritie therof that the Clarke of the Court shall haue twenty pounds p annum besides his ordinary fees allowed by the Court ;

1611.

*The fees of the Clarke of the Court
allowed and agreed vpon by the Court ;

*29

Imp ^r For euery Recognizance for the good behauior four shillings takeing and four shill the releasing - - }	-	00. 08. 00	To the Cryer 8 ^d .
Item for euery Recognizance of the peace 2 shills the takeing and 2 ^d the releasing - - - - }	-	00. 04. 00	To the Cryer 4 ^d .

[PART III.]	Item for a warrant of the peace or any other graunted by the Court	00. 02. 00
	for a warrant of the good behauior - - - - -	00. 04. 00
	for a Copy of an order two shillings - - - - -	00. 02. 00
	for an Inditement - - - - -	00. 02. 00
	for a Repleauine - - - - -	00. 02. 06
	for entering of an action - - - - -	00. 00. 06
	for a warrant to Summon a Jury - - - - -	00. 00. 06
	for recording a verdict - - - - -	00. 01. 06
	for an ordinary warrant from the Gou ^r - - - - -	00. 00. 06
	for recording of a bargaine or gifts of house or lands - - -	00. 02. 06
	for entering of a bargaine of beasts or Cattle - - - - -	00. 00. 06
	for drawing and entering a cobby of an euidence of land } graunted by the Court - - - - -	00. 05. 00
	for registering of a Will - - - - -	00. 02. 06
	for registering an Inventory - - - - -	00. 02. 06
	for a supena for witnesses - - - - -	00. 00. 06
	for entering a graunt of land by the Court - - - - -	00. 01. 00
	for a serch of an order will &c - - - - -	00. 00. 04
	for a cobby of a will - - - - -	00. 01. 00
	for a cobby of an Inventory - - - - -	00. 01. 00
	for entering a freeman - - - - -	00. 00. 06
	for recording of a marriage - - - - -	00. 00. 06
	for recording Contracts for servants - - - - -	00. 00. 04
	for drawing vp or makeing of an execution - - - - -	00. 01. 06

*30

*The oath of the Cheife Marshall.

1652.

You shalbee reddey to attend the Generall Courts and their seuerall Adjournments and the Courts of Assistants and alsoe the Court of Comissioners when they meet in this Gou^rment; and the Gou^rnors pson especially att these Courts; You shall faithfully with what speed you may collect and gather all such fines and sumes of money you shall haue warrant soe to doe by the Gou^r or any of his Assistants; and shall with like dilligence leuy the goods of any pson for which you shall haue warrant soe to doe by any execution graunted by the Court and that the same soe collected or leuied you shall with all Convenient speed deliuer into the Treasurer or the psons to whom the same shall belonge and shall serue all Attachments directed to you which shall com to your hands; and shall pforme doe and execute all such lawfull Comaunds directions and warrants; as by lawfull Authoritie heer established shalbee comitted to your care and charge without fauor or psiallyty to any pson

and shall take onely your ordinary fees allowed without exaction vpon any pson ; and shall safely keep as head marshall all such psons as shalbee comitted to your Custody by the Gou^rment Gou^r or any of his Assistants soe healp ℥.

[PART III.]

Morouer it is enacted by the Court that the Cheife Marshall haue power (incase hee see Ocation to require aide and assistance of any to assist him in the execution of his office ; and the adminnestration of his s^d office to extend to all places within the Lymetts of this Gou^rment.

i658.

*The Cheife Marshall is allowed twenty marke p anum for his wages besides his ordinary fees alowed by the Court ;

*31
i652.

The fees of the Cheife Marshall ;

Item for serueing an execution - - - - -	00. 05. 00
Item for his Journey about it two pence p mile - - -	00. 00
Item for serueing an Attachment - - - - -	00. 02. 06
Item for a Comitment - - - - -	00. 02. 06
Item for Imprisonment 2 ^s 6 ^d p day - - - - -	00. 00. 00
Item for euery action that is entered - - - - -	00. 00. 06
Item the one halfe of all fines not exceeding - - -	00. 06. 00

It is enacted by the Court that the Cheife Marshall shall haue 2^s in the pound for gathering of fines ℥ if they bee not brought in by the pties themselues.

More of the Cheife Marshall see execution serued ; and fines leuied.

*The oath of the Vnder Marshall.

*32

You shalbee redly to Attend the Generall Courts and Courts of Assistants and doe such seruice as shalbee comaunded you by the Gou^r or any of his Assistants ; and shall reddily execute and Inflict all such sensures ; and punishments as by Authoritie of this p^rsent Gou^rment shalbee Judged to be Inflicted vpon any dillinquents and offenders, according to the Nature of all such warrants and mandates as shalbee directed to you without fauor or psiallitie to any pson and shall faithfully and safely as vnder keeper or vnder Marshall keep all such dilinquents malefactors and fellows as shalbee comitted vnto you and shall take onely your ordinary fees alowed without exaction vpon any soe healp ℥

i652.

The Vnder Marshall is alowed twenty Nobles p anum besides his fees alowed by the Court ;

i652.

[PART III.]

1660.

It is enacted by the Court that the vnder Marshall shall haue twenty nobles more aded to his former wages to bee payed out of the Treasury and that for the future hee shall not expect any fees for the keeping of any prisoner saue onely to haue 2^s 6^d for Comitment and two shillings and six pence for Release as formerly.

1659.

It is enacted by the Court that all sentences and sensures that shall fall out to bee Inflicted by the Vnder Marshall viz: whiping stocking & stickmatising hee shall bee payed for the same ; by the order of the Court.

1646.

It is enacted by the Court that if any pson or psons shall henceforth cast contempt vpon the Marshall or any of his by reason of and conserning his said office shalbee fined to the vse of the gou^rment ten shillings for euery default ;

*33

1658.

*It is enacted by the Court that it shalbee lawfull for the Gou^r or Assistants to presse any either trades men or others to bee Employed in the behalfe and for the vse of the Countrey as to provide or repaire prisons stockes whiping posts or other Instruments of Justice and all such to be payed with current Countrey pay.

1658.

It is enacted by the Court that the Publicke officers wages shalbee payed in Corne ;

1658.

It is enacted by the Court that all Corne that shalbee ^{deliuered} ~~paid~~ in paying the publicke charges of the Countrey shalbee payed att one current prise ;

Att the Court of his Ma^{tie} holden att Plymouth the 10th day of March 1675 Jonathan Pratt was established in the office of vnder Marshall and tooke his oath to p^rforme the said office according to the Nature and in the pticulars therof ; excepting puting to death ; of any offender which the Court did vnanimously engage to him that hee shalbe Clearly ffreed from ; and that they will otherwise provide for such executions when they shall att any time fall out ;

*34

*The Oath of A Constable ;

1636.

You shall sweare to bee truely Loyall to our Sou^r Lord King Charles his heires and Successors you shall faithfully serue in the office of a Constable in the ward of _____ for this p^rsent yeare according to that measure of Wisdome Vnderstanding and Discretion God hath giuen you in which time you shall dilligently see that his Ma^{ties} peace Comaunded bee not broken but shall carry the pson or psons offending before the Gou^r of this

Corporation or some one of his Assistants and there attend the hearing of the case and such order as shalbee giuen you ; you shall apprehend all suspicious psons and bring them before the said Gou^r or some one of his Assistants as aforsaid You shall duely and truely serue such warrants and giue such summons as shalbee directed vnto you from the Gou^r or Assistants before mensioned and shall laboure to advance the peace and happines of this Corporation and oppose any thinge that shall seeme to anoy the same by all due meanes and courses soe healp you God whoe is the God of truth and the punisher of ffalchood ;

[PART III.]

*It is enacted by the Court and the Authritie therof that the Constables in euery Towne within this Gou^rment shall warne the Townsmen wherof they are to come together as they doe for other townes busines when the Comittees shall thinke it fitt ; as well to acquaint them with what is propounded and enacted att the Court as to receiue Instructions for any other busines they would haue done ;

*35

i640.

Constables to warne towne meetings.

It is enacted by the Court that the Constable that liue remote hence in the further plantations shalbee freed from attendance att the Generall Courts after they are sworne except there shalbee speciall cause to retaine them ;

i639.

Constables freed from attendance at Courts.

It is enacted by the Court that all fines vnder forty shillings that shall fall in any of the remote townes of this Gou^rment shalbee leuiued by the Constable of the Towne by warrant from the Treasurer which remote townes are explained by the court to bee Taunton Rehoboth Eastham and Bridgwater ;

i657.

Constables leuy fines.

It is enacted by the Court and the Authoritie therof that if any Constable within this Gou^rment haue occation to goe out of the Townshipp wherin hee is Constable for some time hee shall haue power ¹to procure and depute another in his stead as his deputie to execute his place vntill his returne as effectually as hee himselfe might doe ; provided that the pson whom hee soe deputeth bee not one that hath serued in the place within two yeares before except hee bee willing and incase any Constable shall neglect to prouide and depute one in his stead as aforsaid to forfeit ten shillinges for euery default ;

i639.

¹ by procuring is ment due satisfaction.

*It is enacted by the Court that euery Constable of this Jurisdiction shall haue a Constable staffe wherby to distinguish them in theirre office from others and to bee prouided by the Treasurer and to bee deliuered by the foregoing Constable to him that succeeds them yearly ;

*36

i659.

Constable to haue a staffe.

Wheras some Trouble and Inconuenience hath arisen that some haue bine chosen to the office of Constable and haue rather chosen to pay the fine for-

i660.

fine for not seruing as a Constable.

[PART III.]

merly Amerced (for such default) then to serue in the said office and soe the towne Nessesitated to make a new choise puting them to further Charge It is enacted by the Court and the Authoritie therof that if any man being chosen by any Towne to the office of a Constable and shall refuse to serue therein shalbee fined the sume of four pounds the one halfe therof to the Towne in which they are chosen ; and the other halfe therof to the vse of the Collonie ;

1643.
Rators &
theire Rules.

It is enacted by the Court and the Authoritie therof That in euery Towne of this Jurisdiction there shalbee three or foure men chosen by writing of their Names in papers as the majestates are chosen ; to rate all the Inhabitants of their Towne according to their estates or faculties that is according to goods lands Improued faculties and psonall abillities whether the rates bee for any of the Townes in pticullar or for Generall Charges ; and by Improued lands are vnderstood meddow lands plowed lands and hoed lands the orders therein to bee obserued are these ;

first that the Constable shall Summon the Townsmen to come together and if hee neglect when hee is thervnto lawfully warned to forfeit twenty shillings ;

*37 *That if the Townsmen doe not come together vpon the Constables warn-
2 ing and choose Rators the towne to forfeit fve pounds.

3 That if the Rators soe elected doe not make the Rate and Transcribe
and deliuer or cause to bee deliuered a Coppy therof to the Constable within
ten daies or sooner if the occation shall require to forfeit ten shillinges a peece
for euery such default.

4 That if the Constable doth Neglect to gather the said rates or cause
them to bring it in within forty daies next after hee hath the said rate or
sooner vpon speciall occation ; hee shall pay it himselfe and to bee recouered
by suite ;

5 That the Constable ^{is heerby Impowered} ~~shalbe haue power~~ to distraine vpon any that shall
neglect to pay his rate being demaunded and bring it to the place appointed
by him and shall haue twelue pence for his paines about the destresse ;

Lastly That all fines and forfeitures which shall fall by the breach of any
of these actes shalbee leuied for the Gou^rment ;

1658.
more of leuy
of Rates when
townes fined.

It is enacted by the Court and the Authoritie therof that incase any
Towne of this Gou^rment shalbee fined that the Court shall appoint three men
to make a rate to leuy the fine whoe shall proceed therein according to the
rules sett downe in the orders about the rates of the Countrey as neare as
may bee ; and incase such men as shalbee soe appointed to make the

rates shall neglect it they shall pay the fine themselves ; and such said rates as shalbee made a Coppy therof shalbee deliuered to the Constable to bee leuied as rates for other Charges. [PART III.]

*It is enacted by the Court and the Authoritie therof That it shalbee lawfull for the Gou^r as well to Impannell such his Ma^{ties} Subjects as are of good report and freeholders vpon Juries although noe freemen to doe seruice theron as well as such as haue taken vp their freedome. *38
i636.
whoe may bee
Impaneled on
Juries.

It is enacted by the Court that all tryalls whether Capitall or between man and man bee tryed by Juries according to the presedents of the lawes of England as neare as may bee. i636.
all tryalls to
bee by Juries ;

It is enacted by the Court and the Authoritie therof that if a Jury bee Impanneled for tryall of causes and the pties agree afterwards ; yett they shall pay the Jury ; i644.
Juries to bee
paied though
pties agree ;

It is enacted by the Court that the Jury shall haue six pence a man and the foreman twelue pence in such cases of Controversy as they shall goe on. i635.
The Juries
fees.

It is enacted by the Court that att the entery of euery action the charges of that action bee defrayed before the action bee entered. i653.
The Charges
of an action
to bee paied
att the entery.

fforasmuch as the Jury men for tryall of causes betwixt pty and pty haue bine summoned out of the Towne of Plymouth and other townes neare thervnto and by the frequency therof it hath proued burthensome It is enacted by the Court that out of other Townes of this Jurisdiction the remote townes excepted as occation shall require there shalbee one man of euery towne required to attend the Courts for such purpose whose names shalbee specified ; in the warrants that are Issued forth for the warning of the Court ; i661.
Jurymen to
bee specified
in the warrants
that warne the
court.

It is enacted by the Court That henceforth noe summons bee Issued out before the action bee entered and the charges defrayed. i661.

*It is enacted by the Court and the Authoritie therof That a great Quest bee Impaneled by the Gou^r and Assistants ; which are to bee chosen out of the seuerall Towneshipes of this Gou^rment according to order of Court ; and warned to serue his Ma^{tie} by enquiring into the abuses and breaches of such wholsome lawes and ordinances as tend to the preservation of the peace and good of the Subject and that they p^rsent such to the Court as are guilty that soe they may bee prosecuted by the Court by all due meanes. *39
i636.
The grand
enquest how
to bee chosen.

It is enacted by the Court that all misdemeanors of any pson or psons as tend to the hurt and detriment of societie ciuillity peace and Naighbour- i636.
matters p^rsent-
able.

[PART III.] hood bee enquired into by the Grand enquest and the psons p'sented to the Court that soe the disturbers therof may bee punished and the peace and welfare of the Subject peacably preserued ;

1646.
grandjury to
view waights
measures lad-
ders &c.

It is enacted by the Court ~~and the Authoritie therof~~ that the Grand-jury men in euery Towneship shall once in the yeare ; yearly view all the measures waights and tole dishes in their seuerall Towneshipes and see that they bee lawfull according to order ; and that euery housholder haue ladders sufficient and p'sent the defects ;

1639.
when grand-
Jurymen to
appeer to take
oath.

It is enacted by the Court that the Grand jury men in each Towne of this Gou'ment ; bee warned att election Courts to make their appeerance the fift day of that weeke to take oath.

1639.
Course to bee
taken with
Idle psons.

*40

*ffor the preventing of Idlenes and other euills occationed therby It is enacted by the Court That the grandjurymen in euery Towne shall haue power within their seuerall Townshipes to take a speciall view and Notice of all manor of psons married and single dwelling within their seuerall Townshipes that haue smale meanes to maintaine themselves and are suspected to liue Idlely and loosly ; and to require an account of them how they liue ; and such as they find delinquents ; and can not gine a good account vnto them That they cause the Constable to bringe them before a Majistrate in their towne if there bee any ; if there bee none before the Celect men appointed for such purpose That such course may bee taken with them as in their wisdomes shalbee Judged Just and equall ;

1640.
noe p'sent-
ment but on
oath.
Repealed June
1670.

It is enacted by the Court that noe p'sentment heerafter shalbee exhibited to the Grand enquest to bee brought to the Court ; except it bee done vpon oath and that it shalbee lawfull for any of the Assistants or any such as are deputed ; To adminnester an oath in such case ; viz: it is to bee vnderstood on their owne knowlidge or others oathes ;

1656.
none to bee
condemned
without two
witnesses.
Repealed June
1670.

It is enacted by the Court that any one that for the future shalbee p'sented to the Court for any fact on the Testimony of one witnes although vpon oath shall not bee for the same condemned without a second witnes or concurring cercomstances.

*41

1659.
grandjury-
mens wages.

*Wheras the Grand enquest is a place of great trust and concernment in the Comonwealth in discharge wherof is required expence of time and Charge It is enacted by the Court that the seuerall Townes of this Jurisdiction shall pay their grandjury men towards their expence of time and Charge att their seuerall Courts two shillings and sixpence a day and

nothing att the election Courts and that onely fitt and able psons bee Chosen [PART III.]
for that seruice;

The oath of a Grandjury man ;

You shall true p^rsentment make of all thinges giuen you in Charge ; i659.
You shall p^rsent nothing of mallice or illwill ; your owne Councell and
your fellowes ; in reference to this oath you shall well and truely keep Soe
healp you &c.

It is enacted by the Court that if any shalbee chosen to serue on the i658.
grand enquest and shall refuse to serue ; hee shalbee fined to the Collonies vse fine for not
serueing on
the grand jury
the sume of ten shillings for euery Court that hee is absent in the yeare for
which hee is chosen to serue and incase hee shall wholly exclude himselfe
all the yeare ; hee shalbee fined the sume of forty shillings to the Collonies
vse ; vnlesse hee can giue sufficient reason to the Contrary vnto the Court ;

*Wheras Complaint is made that the ffreemen are put to many Incon- *42
ueniencyes and great expences by their Continuall attendance att the Courts ; i638.
It is therefore enacted by the Court and the authoritie therof for the ease Towne depu-
ties.
of the seuerall Townes of this Gou^rment that euery towne shall make Choise
of two of their ffreemen and the towne of Plymouth of foure to bee Com-
mittees or Deputies ; to Joyne with the bench to enact and make such lawes and
ordinances as shalbee Judged to bee good and wholesome for the whole ; pro-
vided that the lawes they doe enact shalbee propounded one Court to bee con-
sidered of vntill the next and then to bee approued of ; except the case
requires p^rsent confeirmation and if any acte shalbee confeirmed by the bench
and Comittees which vpon further deliberation shall proue prejudisiall to the
whole ; that the ffreemen att the next election Court after meeting together
may repeale the same and enact any other vsefull for the whole ; and that
euery Townshipe shall beare their Comittees charges ; which is two shillings
and six pence a day ; and that such as are not ffreemen but haue taken the
oath of fidelitie and are masters of families and Inhabitants of the said
Townes as they are to beare a pte in the charges of the Comittees soe to haue
a voat in the choise of them ; provided they choose them onely of the ffree-
men of the same towne wherof they are ; but if such Comittees shalbee Insuf-
ficient or troublesome ; that the bench and the other Comittees may dismise
them and the towne to Choose other ffreemen in their places ;

*It is enacted by the Court and the Authoritie therof That wheras the *43
Number of ffreemen in many places is but smale and the Inhabitants of i658.
Townshipes many more whoe haue equall voates with the ffreemen in the choise more of Depu-
ties.

[PART III.] of Deputies whoe being the body of ffreemen representatiue together with the majestrates haue equall voates for the enacting of lawes whoe by weaknes prejudice or otherwise it hath or may come to pase that very vnfitt and vnworthy psons may bee chosen that can not answare the Courts trust in such a place ; That all such Courts as Majestrates and Deputies are to acte in makeing of lawes and being assembled the Court in the first place take notice of theire members ; and if they find any vnfitt for such a trust that they and the reason therof bee returned to the towne from whence they were sent that they may make Choise of more fitt and able psons to send in their stead as the time will pmitte ;

1646. It is enacted by the Court that if any Townshipe in this Gou'ment being
more of Depu- orderly therto required shall neglect and refuse to elect and choose Comittees
ties. according to the aforesaid order That towne soe Neglecting or refusing to bee fined to the Gou'ments vse forty shill and euery Comitty soe chosen and makes not his psonall appeerance ; in the Court att the day appointed there to doe his seruice to bee fined twenty shillings vnlesse hee can shew a reason approued by the Court ;

*44 1646. *Wheras the seuerall Townes of this Jurisdiction were to send their
more of Depu- Deputies which must arise out of the ffreemen to attend the three generall
ties. Courts of the yeare Now vpon the speciall complaints of the Deputies of the townes soe sent professing themselues to bee opressed therby ; It is enacted by the Court and the Authoritye therof That the whole body of ffreemen shall appeer att the election Court which is the first Tusday in June successiely and then to make or repeale such lawes orders and ordinances as shalbee found meet and wholesome for the ordering of the Gou'ment and that then alsoe they p'sent such deputies as haue bine chosen by their Townes according to order formerly established whoe are to attend the same and its seuerall adjournments as the occations of the Countrey shall require ; and whatsoeuer lawes orders and ordinances shalbee made or repealed bee att that Court and the seuerall adjournments therof onely done except the Gou'r and Assistants see cause to call a speciall Court ; and other Courts to attend matters of Judicature and the majestrates onely to attend the same ;

1649. It is enacted by the Court that att Courts of election next after the
when the Dep- choise and swearing of Majestrates and other officers the Generall occations
uties business of the Countrey wherein deputities are requisite bee attended except extreor-
to be attended. dinary occation comes in the way.

*It is enacted by the Court that the Court of majestates and deputies shall haue power as to receiue accounts soe to giue allowance to any pson in publicke place for lose or damage hee sustaines as they shall thinke meet ;

*45

i652.

majestates &
Deputies
power.

It is enacted by the Court that if any stranger or forraigner haue any occation to comence a suite att any time betwixt the Courts for the tryall of a cause of considerable vallue ; hee hath libertie to purchase a Court for such a purpose if hee shall put in Cecuritie to defray the charge ; and that there shall not bee lesse then three of the Majestates att euery such Court ;

i658.

a stranger may
purchase a
Court.

It is enacted by the Court and the Authoritie therof That an execution shalbee graunted forth att the end of one month after the verdict and Judgment is graunted and not before except the pty bee departed the Gou'ment ; and that when the marshall goeth forth to serue the execution the plaintiffe or his deputie shall goe with him to prise the goods soe distressed and if occation shall require the defendant shall haue libertie to choose another man ; and the Marshall and those two shall apprise the goods or chattles soe taken ; but if the defendant doe neglect or refuse to make such a choise ; the Marshall shall choose a man on his behalfe ; and as they or any two of them shall prise the goods soe they shalbee then and theire deliuered vnto the plaintiffe or his deputie and the Marshall discharged ; and if the said goods come to more then the debt and charge amount vnto then the plaintiffe shall returne the ouerplusse vnto the defendant in Countrey pay within six daies next after hee receiue the said goods ; but if the plaintiffe liueth out of the Gou'ment ; then hee shall fourthwith returne the ouerplusse or giue Cecuritie to the defendant to doe it within the said six dayes ;

i655.

about serueing
an execution
by the mar-
shall.

*It is enacted by the Court that all executions Issueing out of the generall Court or Court of Assistants shalbee executed by the Marshall onely ;

*46

i645.

more of execu-
tions.

It is enacted by the Court and the Authoritie therof that it shalbee lawfull for the Gou' and Majestates or any of them to direct Summons to Any pson in this Gou'ment to answare to any suite comenced against them ; and it shalbee as Authentically as if it were done by warrant to Attach or arrest them ;

Summons Au-
thenticall for
appearence to
answare a
suite.

It is enacted by the Court that the Prison shalbee erected att Plymouth.

It is enacted by the Court that the Gou'ment shall allow fourpence a day to maintaine a prisoner Comitted for fellonie or misdemenor if they bee not able to maintaine themselves and to bee payed by the Treasurer and allowed vpon his accounts.

prisoners allow-
ance
i646 2s
i660 3s
i663 4s
was aded.

[PART III.]

1636.
stockes &
whipping post.

It is enacted by the Court That in euery Towneship of this Gou^rment there shalbee a paire of Stockes and a whipping post erected in such places as shalbee thought meet by the seuerall Naighborhoods where they Concerne vpon the penaltie of ten shillings for euery Townshipe that shalbee defectiue therin.

*47

*Capitall offences Lyable to death

1636.

Treason or Rebellion against the pson of our Sou^r Lord the King ; the State and Comonwealth of England ; or this Corporation

Wilfull murder ;

Sollemne Compaction or Conversing with the diuill by way of witchcraft or the like ;

Wilfull or purposed burning of shippes or houses

Sodomy Rapes buggery ;

1658.

It is enacted by the Court and the Authoritie therof That whoesoeuer shall comitt Adultery shalbee seuerly Punished by whipping two seuerall times viz: once whiles the Court is in being att which they are convicted of the fact and the second time as the Court shall order and likewise to were two Capitall letters viz: **A D** Cut out in Cloth and sewed on their vpermost garments on their arme or backe ; and if att any time they shalbee taken without the said letters whiles they are in the Gou^rment soe worne to bee forthwith taken and publickly whipt ;

*48

*Offences Criminall

1645.
against Carnall
Coppulation.

It is enacted by the Court and the Authoritie therof That any pson or psons that shall Comit Carnall Copulation before or without lawfull Contract shalbee punished by whipping or els pay ten pounds fine apeece and bee Imprisoned during the pleasure of the Court soe it bee not aboue three daies but if they bee or wilbee married the one to the other ; then but ten pounds both and Imprisoned as aforsaid ; and by a lawfull Contract the Court vnderstands the mutuall consent of parents or gaurdians if there bee any to bee had ; and a sollemne promise of marriage in due time to each other before two competent witnesses ; and if any pson or psons shall Comit carnall Coppulation after contract and before Marriage they shall pay each fifty shillings and bee both Imprisoned during the pleasure of the Court soe it bee not aboue three daies ; or else incase they cannot or will not pay the fine then to suffer corporall punishment by whipping ;

1639.
against swear-
ing.

It is enacted by the Court and the Authoritie therof that whoesoeuer shall prophantly sweare or curse by the name of God or any of his Atributes

word or workes hee or shee shalbee sett in the Stockes soe it exceed not three [PART III.]
houres or bee put in prison according to the Nature and quallitie of the pson ;

It is enacted by the Court that whosoever shall steale or attempt to steale
shipps boates munition or ~~other thinges~~ it bee Accounted felonie and soe to against steal-
ing. i639.
bee Punished ;

It is enacted by the Court that such as either drinke drunke in their
psons or suffer any to drinke drunke in their houses; bee enquired into i639.
more of drunk-
enes.
See the law
about ordinary
keepers.
amongst other misdemeanors and according Punished or fined or both att the
descretion of the majestrate ;

*It is enacted by the Court that whatsoever seruant or apprentice or *49
i645.
against ser-
vants & ploy-
ing.
labourer shall ployne or steale or Imbezell his masters goods shall make
doubble satisfaction and restitution either by payment or servitude as the Court
shall Judge meet for the first default; and for the second default ~~of the~~
~~labourer~~ to make doubble restitution and either find surties for his good
behauior or bee whipt ;

Wheras Complaint is made that some haue brought Cards into some i655.
against play-
ing att Cards
& Dice.
Townes of this Jurisdiction wherby seuerall psons; mens both servants
and Children haue bine drawne together to spend their time in playing att
such vnlawfull games to the coruping of youth with other sad consequences
that may fall by the pmision of such practices; It is enacted by the Court
and the Authoritie therof That whosoever shall bring into this Jurisdiction
or keep in his house any Cards for such purposes as aforsaid or shall suffer
any to play att Cards or Dice att any time in his house or where hee hath to
doe; or any that shalbee acters att such vnlawfull Games shalbee fined for
the same forty shillings and for such as are servants or children that shall
play att Cards or Dice for the first offence to bee corrected att the descretion
of their parents or masters; and for the second offence to bee publickly whipt ;

It is enacted by the Court and the Authoritie therof that euery pson of i660.
against lying.
the age of descretion (which is acounted sixteen yeares) whoe shall wittingly
or willingly make or publish any lye which may bee pnisious to the publicke
weale or tending to the damage or hurt of any pticulare pson or with Intent
to deceiue or abuse the people with falce newes or reports shalbee fined for
euery default ten shillings; and if the pty bee vnable to pay; then to bee sett
in the Stockes soe longe as the court shall thinke meet ;

*Wheras some abuses haue formerly broken out amongst vs by disguising *50
i645.
wearing visors and strange apparrell to laciuiouse ends and purposes; It is

against wear-
ing visors &c.

therefore enacted by the court and the Authoritie therof That if any pson or psons shall heerafter vse any such disguisment visors strange apparrell or the like to such laciuous and euill ends and Intents and bee therof convicted by due course of law shall pay fifty shillings for the first default or else bee publickly whipt and bee bound to the behaiour if the Court shall see meet;

1645.
against wilfull
burning of
fences.

It is enacted by the court that if any pson or psons shall wilfully and of sett purpose burne any mans ffence or ffences shall make good the damage or bee bound to his good behaiour.

1645.
against re-
moueing land
markes.

It is enacted by the Court that any pson or psons that shall plucke vp remoue or deface any land markes or bounds betwixt pty and pty that haue bine or shalbee orderly and sufficiently sett vp by psons thervnto designed; shalbee fined from twenty shillings to fve pounds according to the Nature of the offence.

1645.
wilfull break-
ing fences
gates &c.

It is enacted by the Court and the Authoritie therof That any pson or psons that shall wilfully and of sett purpose breake downe another mans ffence or gate or bridge to the anoyance of either a pticulare pson or the generall; shall make vp such said ffence gate or bridge att his owne charge and pay the damage therby sustained; and bee fined for the first default fifty shillings and for the second default fined fve pounds; and bound to his good behaiour.

*51
1646.
against vnciuill
takeing To-
bacco.

*Whereas there is great abuse in takeing of Tobacco in very vnciuill manor in the streets and dangerously in out houses as barnes staules about hay stackes and other such places It is therefore enacted by the Court that if any pson or psons shalbee found or seen heerafter takeing Tobacco publickly in the open streets of any Towne of this Jurisdiction or in and about Barnes staules hay-stackes Corn stackes hay yards or any such like places or out houses That euery such pson or psons soe offending shall forfeite and pay to the Townes vse for the first default twelue pence for the second default two shillings; and it shalbee lawfull & by this acte warrantable for the Constable of euery Towneship without further warrant vpon sight and Information to distraine his or theire goods for it which doe refuse to pay it vpon his demaund; and to bee accountable of what he receiues yearly att the election Courts; souldiers in time of exerceice excepted;

1633.
1646.
against vnde-
screet fiering
the woods.

Whereas many haue sustained great damage by the vndescreet fiering of the woods though Justly occasioned thervnto It is enacted by the Court that none shall fier the woods att any time but they shall giue warning therof to the Naighbors about them; and the time of fiering them to bee from the

fifteenth of february to the latter end of April alsoe that if any pson att any time shall fier any of the woods ; and hath noe Just occation soe to doe hee shalbee fined ten shillings to the vse of the Gou^rment or bee whipt. [PART III.]

*It is enacted by the Court and the Authoritie therof that whosoever shall forge any deed or writing wherby any estate of lands either by Inheritance or for tearme of yeares shalbee pased and the right heires disinherited and shall produce and publish the same to such deceightfull ends and purpose and bee therof convict by course of law shall pay the pty greiued double damage and bee fined halfe soe much as the pty greiued recouereth of him ; and incase hee bee not able to pay it to bee publickely whipt and burned in the face with a Roman F ; *52
1645.

It is enacted by the Court and the Authoritie therof That if any officer or keeper of publicke Records or writings shall wilfully steale Imbezell or make away any such publicke Records or writing soe comitted to publicke Record or keeping or shall alter any of them or any pte of them by Raseing out or ading therto or otherwise ; shalbee disfranchised and lose his office and burnt in the face except in triuiall Cases ; 1645.
against de-
faceing of
Records.

It is enacted by the Court that if any pson or psons shall endeauor or goe about directly or Indirectly to Corrupt any officer keeping any publicke Records or writings to procure him to deface alter or Imbezell any such Records or writings shalbee fined according to the Nature of the offence soe it bee not aboue forty pounds or bee whipt ; against such as
doe corrupt
Register
keepers.
1645.

*It is enacted by the Court that all such as deney the Scriptures to bee a Rule of life ; shall receiue corporall punishment according to the descretion of the maiestrate soe as it shall not extend to life or limb ; *53
against deniall
of the scrip-
tures.
1655.

Wheras there hath bine many Complaints for want of due maintainance for minnesters (as some haue reported) It is enacted by the Court that noe Pastoure or Teacher of any Congregation shall remoue before his Complaint hath bine tendered to the maiestrates and they haue heard both sides ; and that vpon such complaints if there appeers to bee a reall defect in the hearers of the minnesters soe complaining ; the maiestrates shall vse all gentle means to pswade them to doe their duty heerin ; but if any of them shall not heerby bee reclaimed but shall psist through plaine ostinacye against an ordinance of God then it shalbee in the power of the maiestrate to vse such other meanes as may put them vpon their duty ; for minnesters
maintainance.
1655.
Repealed
Septem: 1664.

Wheras this Generall Court takeing into their serious Consideration the

[PART III.]

more of min-
nisters main-
tainance.1657.

*54

great defect that either is or like to bee in seuerall Townshipes of this Jurisdiction for want of an able Godly teaching minnestrey and the great prejudice to the soules of many like to ensue and being desirouse according to our duties that such defects should not bee for want of due Incouragement to such as either are or shalbee Employed in soe good a worke of the Lord for his honor and the good of soules ; and in Consideration that inasmuch as the seuerall Townshipes graunted by the Gou'ment was that such a Companie might bee receiued as should maintaine the publicke worship of God there ; doe Therefore Judge that the whole both Church and Towne are mutually engaged to support the same ; and doe therfore order and agree *That in whatsoeuer Townshipe there is or shalbee an able Godly Teaching minnistry which is approued of by this Gou'ment That then foure men bee chosen by the Inhabitants or incase of theire neglect chosen by any three or more of the maiestrates to make a Just an equall proportion vpon the estates of the Inhabitants according to their abillities to make vp such a convenient maintainanc for his comfortable attendance on his worke as shalbee agreed vpon by the Church in each Township where any is with the concurrence of the rest of the Inhabitants if it may bee had or by the maiestrates aforsaid incase of their apparent neglect ; and that distresse accordingly as in other Just cases bee made vpon such as refuse to pay such their proportions which is in Justice due But incase there bee any other way wherby any Township doe or shall agree that may effect the end aforsaid this law not to bee binding to them ; To bee explained thus ; That onely such pson or psons as refuse to beare their pte with the rest of the Church or Towne in due maintainance and support of Minnistry this law to bee in force onely to them but not vnto others that doe their duty ;

against villify-
ing churches
1650.

1650.

against breach
of sabbath.

1650.

this aded June
1670 ;

It is enacted by the Court That whoesoeuer shall villify by opprobrious speeches or tearmes any Church or ordinance being therof lawfully convicted shall forfeit and pay to the vse of the Collonie ten shillings for euery default ;

It is enacted by the Court That whoesoeuer shall prophane the Lords day by docing seruill worke or any such like abuses shall forfeit for euery such default ^{forty} ~~ten~~ shillings or bee publicly whipt ;

*55

against neglect
to come to the
worship of God.1661.

*It is enacted by the Court That whatsoeuer pson or psons shall frequently absent or neglect vpon the Lords day the publicke worship of God that is approued of by this Gou'ment shall forfeit for euery such default ; ten shillings ;

It is enacted by the Court and the Authority therof That hence forth noe publicke meeting bee set vp within this Gou^rment but such as the Court shall approue of. 1657.

Wheras complaint is made of great abuses in sundry places of this Gou^rment of Prophaning the Lords day by Trauellers both horse and foot by bearing of burdens carrying of packes &c vpon the Lords day to the great offence of the Godly well affected amonst vs; It is enacted by the Court and the Authoritie therof That if any pson or psons shalbee found Transgressing in any of the precincts of any Township of this Gou^rment hee or they shalbee forthwith apprehended by the Constable of such a Towne and fined twenty shillings to the Collonies vse or else sit in the stockes four houres except they can giue a sufficient reason for theire soe doeing; and they that transgresse in any of the aforsaid pticulars shall onely bee apprehended on the Lords day and on the second day following shall either pay their fine or sitt in the stockes as aforsaid; another against prophanation of the Sabbath. 1658.

It is enacted by the Court and the Authoritie therof That all such as refuse to take the oath of fidelitie as Quakers or such as are manifest encurragers of such shall haue noe voyce in choise of publicke officers in the place where they dwell or shalbee Employed in any place of trust while they continew such; against Quakers. 1658.

*It is enacted by the Court and the Authoritie therof That noe Quaker Rantor or any such corrupt pson shalbee admitted to bee a freeman of this Corporation; *56 against Quakers. 1658.

It is enacted by the Court and the Authoritie therof; That all such as are opposers of the good and wholesome lawes of this Collonie or manifest opposers of the true worship of God or such as refuse to doe the Countrey seruice being called thervnto shall not bee admitted ffreemen of this Corporation being duely convicted of all or any of these; such as may not bee freemen. 1658.

It is enacted by the Court and the Authoritie therof That if any pson or psons that are or shalbee ffreemen of this Corporation that are Quakers or such as are manifest encurragers of them and soe Judged by the Court or such as shall speake contemptuously of the Court and of the lawes therof and such as judged by the Court grosly Scandalous; as lyers drunkards swearers &c shall lose their freedome of this Corporation; such as shall loose their freedom; 1658.

It is enacted by the Court and the Authoritie therof That all psons within this Gou^rment that are att their owne dispose and haue not taken the oath of fidelitie shall repaire vnto some one of the majestates of this Jurisdiction to take the said oath; which if they shall neglect or refuse to doe; such pson fine for not taken the oath of fidelitie. 1661.

[PART III.] or psons shalbee summoned to euery election Court to make their appeerance theratt during the time of their abode in this Gou^rment ; and if any such pson or psons shall then refuse ; to take the said oath they shalbee fined ; the sume of fve pounds to the Collonies vse ;

*57

*The order of Court Concerning
the Councell of Warr.

In Regard of the many appeerances of danger towards the Countrey by enimies ; and the great nessesitie of Councell and aduise in which respect the Court thought meet to make choise of a Councell of Warr consisting of eleuen psons whose names are elsewhere extant in the Records of the Court ;
1653.
1659. which said eleuen or any fve of them being orderly called together their act to bee accompted in force ; and they to bee continewd in their places vntill others bee elected to bee orderly called together is ment being sumoned by the Gou^r or Major or the Presedent of this Councell or his deputie ; or incase of their absence any two majestates of the Councell of warr ;

1659.

It is enacted by the Court and the Authoritie therof That the Councell of Warr shall haue power To Issue out warrants in his Ma^{ties} name to Impresse such an Number of men and horses in euery Towne as by proportion the said Towne is to sett forth and alsoe to Issue out warrants in said Mat^{ies} Name to the said Townes for Armes and prouision and all thinges Nessesary for them ; and what charges shall arise ; to be leuied on each Towne proportionable as other publicke rates and to giue Comission to any Cheife officer vnder their Charge either in time of peace or warr ;

The proceeding of the Councell of Warr in the
Constituteing and Comissionating of a Major.

1658.

The Councell of Warr being Assembled doe heerby Constitute Impower and Comissionate you our Trusty and welbeloued frind I W to bee as Cheife Officer ouer the milletary Companies of this Jurisdiction bearing the title of a Major and to acte therein as is prouided by order of Court Anexed to your office ; according to such Instructions as you haue or shall from time to time receiue from the Councell of Warr In psuance wherof all Captaines Inferiour officers and souldiers are heerby Required to bee in Reddy Subjection to you during your Continuance in the said office which shalbee vntill the Councell of Warr shall see cause to order otherwise ;

Giuen vnder our hand
and Seale T P Presedent
with the consent of the rest
of the Councell of warr ;

*Instructions for the Major ;

*59

You shall take into your Comaund the seuerall Milletary Companies of this Jurisdiction both horse and foot and take care that they bee orderly Trained vp in the vse of armes.

I

1648.

You shall take Care that armes be fix and seruicable.

2

You shall Carfully appoint such watches and Gaurds as may bee needfull for the honor and safty of the Gou^rment ;

3

You shall yearly appoint generall Musters or meetings of such Companies as can with any conveniency meet together and with the aduise of your Councell order the same.

4

Incase of any suddaine and vnexpected approach of an enimie or Insurrection within our selues you shall Indeaour to put those Companies into such a posture of defence ; as your selfe and such of your Councell of warr shall giue you Instruction therabouts ;

5

You shalbee redy att all times to obserue and execute such further Instructions either respecting disipline or reall seruice as shall from time to time by the Councell of warr bee directed to you ;

6

You shall on all occations aduise with such as the Councell of Warr shall appoint to bee of your Councell ; and they for the p^rsent haue chosen those heerafter Nominated ; ¶.

7

See booke of orders and passages of the court ;

*It is enacted by the Court and the Authoritie therof That incase any Cheife milletary officer bee wanting in any towne within this Gou^rment such Township shall p^rsent two or three p^rsons of the fittest they haue for that place to the Court ; and such p^rson or p^rsons as shalbee approued by the Court shalbee established in such place and office ; and such Cheife officer to chose their vnder officer with the Consent of the body.

*60

1648.

of the Choise
of a milletary
officer in euery
Towne.

It is enacted by the Court that as the Captaine Leiftenant and Ensigne are established in their places by Authortie and approbation of the Court ; soe such Capt: Leiftenant and Ensigne shall not lay downe their places but by the consent and approbation of the Court ; vpon the penaltie of five pounds for euery Captaine fifty shillings for euery leiftenant and fifty shillings for euery Ensigne soe laying downe his place without the leaue and likeing of the Court and if any Captaine leiftenant or Ensigne shall neglect to traine their men on the daies appointed or shalbee neglegent in his or their places ; vpon proffe therof ; shalbee fined ten shillings for euery default ;

1648.

fine for not
serueing in a
Capt. Leift. or
Ensignes
place.

It is enacted by the Court that the Cheife millitary Comaunder in euery

i642. Towne shall haue power to call forth men to exercise them in their armes
 Cheife mil- and to appoint daies of training and the sarjeants to giue warning therof and to
 itary officers bee done as oft as the Court hath appointed ;
 power.

i640. It is enacted by the Court that all the milletary Companies within this
 six daies train- Gou'ment shalbee trained at the least six times in the yeare ;
 ing.

*61
 i642. *It is enacted by the Court that in the time of feare and danger and suddaine
 Cheife mil- assault of an enimie the cheife milletary Comaunder in euery towne shall haue
 itary officers power to call the souldiers of that towne together and put them in a posture
 power. of warr ; whose Comaunds euery souldier shall obey for the defence of the
 Towneship and that they follow the directions of the milletary Comaunder of
 that towne in keeping watch and ward provided that the ordinary watch bee
 sett and appointed with the majestrait's approbation if there bee any.

more of Cheife It is enacted by the Court that the Cheife milletary officers in euery
 milletary offi- Towne shall sett a fine vpon such as absent themselues on daies of training
 cers power. if there bee not sufficient reason giuen for their absence provided the fine
 i645. bee with the Consent of the Companie or the major pte therof and such
 fines to bee gathered by the Clarke of that companie and to bee for the ben-
 ifitt of the same ;

milletary offi- It is enacted by the Court that the milletary officers in euery Towne
 cers see to shall see that the Armes of that towne bee fix and compleat for length and
 armes. bore and p'sent those that are defectiue ;
 i654.

souldiers must It is enacted by the Court that all and euery p'son within this Gou'ment
 bee subject to shalbee subject to such milletary order for training and exerceyse of armes ; as
 milletary or- hath bine agreed vpon and inacted by the Court ;
 ders. i633.

The fines of such as are defectiue in their armes

That are wholly defectiue	-	-	-	-	-	-	00. 10. 00
That want a peece	-	-	-	-	-	-	00. 06. 00
That want a sword	-	-	-	-	-	-	00. 02. 06
That want powder	-	-	-	-	-	-	00. 05. 00
That want bulletts	-	-	-	-	-	-	00. 02. 00
That want match	-	-	-	-	-	-	00. 01. 00

*62
 guns allowed This order as
 seruicable. it respects
 i642. matchcocks is
 Repealed July 10: (77.)
 *The Guns or peeces allowed for seruice are these viz: musketts fierlockes
 and matchcockes soe that they haue four fathom of match att all times redde
 for euery matchcocke Calliours Carbines and fowling peeces soe that they
 bee not aboue bastard muskett or Calliuer bore ;

It is enacted by the Court that euery Township in this Gou'ment each township shall prouide two sufficient fierlocke peecees two swords and two powches for euery thirty men they haue in theire towne; and soe proportionable to theire Number they are to sett out bee they greater and lesser; which shalbee reddey att all times for seruice vpon any occation vpon such penaltie for euery delinquent as the Court shall Judge meet according to the Nature of the offence;

Townes Armes.
1646.

It is enacted by the Court that euery Township in this Gou'ment shall prouide a barrell of powder and ledd or bulletts answarable; to bee kept by some trusty man or men in euery Towne that it may bee reddey for defence in time of need and danger.

Townes powder and shott.
1641.

It is enacted by the Court that euery pson both for him selfe and euery man servant hee keepeth able to bear armes haue a peece powder and shott viz: a sufficient muskett or other seruicable peece for warr with bandoleers sword and other appurtenances; and that for himselfe and euery such pson vnder him hee bee att all times furnished with one pound of powder and four pound of bulletts with foure fathom of match for euery match-cocke muskett;

houholders to haue armes and Amunition.
1636.

*It is ordered by the Councell of Warr

*63

That euery Towne that shalbee defectiue in the want of a Drum att any time for the space of two monthes shall forfeit the sume of forty shillings.

1653.
fine for want of a Drum.

It is ordered by the Councell of warr that euery towne prouide halberts for theire sarjeants of theire milletary Companie;

1653.

It is ordered by the Councell of warr that a Considerable Companie of halfe pikes bee prouided in euery towne att the charge of the towneship; viz: wher eighty men are; able to beare Armes; there twenty to bee prouided and soe proportionable to theire Number bee they greater or lesser;

1653.
halfe pikes to bee procured.

The oath of a Clarke of a milletary Company.

You shall faithfully serue in the office of a Clarke of the milletary Companie of ſc for this p'sent yeare during which time you shall dilligently obserue such sett times of training as youer officers shall appoint You shall keep an exact list of the Names of youer Millitary Companie; and take notice of all such defects as shall arise by the breach of any wholesome orders made by the said Companie; and gather in all such fines as belong thervnto and giue a Just accoumpt therof to the Companie or such as they shall appoint.

1653.

fine for not
serueing as
Clarke of a
milletary Com-
panie;

It is ordered by the Councell of warr that all such as are chosen Clarke of any milletary Companie of this Jurisdiction shalbee sworne; and any that shall refuse to serue as Clarke for one yeare shalbee fined twenty shillings and hee that is next chosen to haue the said sune;

*64
The Gou^r or
3 assistants
may presse
horses.

1636.

1644.

*It is enacted by the Court that incase there shalbee need of horses vpon speciall occation for the Countreyes seruice It shalbee lawfull for the Gou^r or any three Assistants to presse such and soe many as they shall see reason to Imploy provided that they take order that the owners bee payed for them; but if any such horse or horses miscarry in the seruice; the prise of such horse or mare to bee made good to the owner by the Countrey; and the horse to bee prised att his goeing forth.

maimed soul-
diers to bee
maintained.

1636.

It is enacted by the Court that if any shalbee sent forth as a souldier and shall returne maimed hee shalbee maintained competently by the Countrey during his life;

Scotes & Irish
may traine.

1656.

It is enacted by the Court that all such Scotes or Irish as are in any Township of this Gou^rment shall beare Armes and traine as others; except such as are seruants from month to month;

Smiths to
mend all armes
defectiue.

1642.

It is enacted by the Court that all Smithes within this Gou^rment bee compelled to amend and repaire all defectiue armes brought vnto them spedily and to bee paid in wheat or butter and the Smith refusing to answere it att his prill;

*65
a troope how
to bee raised.

1658.

*It is enacted by the Court and the Authoritie therof That a Troop of horse well appointed with furniture viz: a saddle and a case of petternells for euery horse shalbee raised out of the seuerall Townshipes to bee redy for seruice when required; and maintained for the purpose to bee raised as followeth;

viz: Plymouth -	-	-	3	Yarmouth	-	-	3
Duxburrow	-	-	2	Barnstable	-	-	3
Scittuate -	-	-	4	Marshfeild	-	-	3
Sandwich -	-	-	3	Rehoboth	-	-	3
Taunton -	-	-	3	Eastham -	-	-	3
Sowamsett	-	-	1	Bridgwater	-	-	2

1668.

In all thirty and three; and that all such shalbee freed from foot seruice and from watching and to bee redy by June next ensueing the date heerof on the penaltie of the forfeiture of ten pounds for euery towne that shall neglect;

Liberty is graunted vnto the Major to Admitt of soe many vounteers into the troop of horse as will make vp the Number forty eight ; the Comission officers excepted and all such to continew three yeares att the least ;

libertie for
vounteers to
bee aded to
the troop.

i662.

i660.

Concerning
Pikes.

Wheras the milletary Companies of this Jurisdiction are entered into a Regementall posture and therefore that the vse of Pikes is nessesarie ; and some alreddy prouided for that end ; It is enacted by the Court that the charge of the said pikes shalbee borne by the Townes respectiuely ; and that notwithstanding this order ; That those that exersiseth with the said Pikes shall keep theire other armes & fix and compleate soe as they may bee fitt for seruice ;

fforasmuch as Complaint is made that many Indians presse into diuers ptes of this Jurisdiction wherby some of the plantations beginne to bee oppressed by them It is therefore enacted by the Court and the Authoritie therof that noe strang or forraigne Indians shalbee pmitted to come into any pte of this Jurisdiction soe as to make theire residence there ; and for that end that notice bee giuen to the seuerall Sagamores to preuent the same ;

*66

i660:

against strang
Indians com-
ing into the
Gou'ment.

It is enacted by the Court that wheras it is holden very vnlawful and of dangerous consequence and it hath bine our constant costome from our very first begining that noe p'son or p'sons haue or euer did purchase rent or hier any land herbage wood or timber of the Indians but by the maiestrates consent ; That if any p'son doe heerafter purchase rent or hier any lands herbage wood or timber of the Natiues in any place within this Gou'ment without the consent and assent of the Court euery such p'son or p'sons shall forfeite fiae pounds for euery acree which shalbee soe Purchased rented hiered and taken and for wood and Timber to pay fiae times the vallue therof to bee leuied to the Collonies vse ; and in case that any Inhabitant of this Gouerment or other notwithstanding this order shall presume to purchase hier or any way appropriate or possesse themselues of any of the lands of the Indians without the Courts approbation and leaue ; although the fine or forfeiture cannot att p'sent be obtained yett the lands soe purchased or procured by any ; shalbe forthwith seized vpon for the Countreyes vse.

i643.

against hiering
lands of the
Indians.

this aded June
i668.

In reference vnto the law prohibiting buying or hiering land of the Indians directly or Indirectly bearing date Ann° i643 The Court Interprets these words alsoe to comprehend vnder the same penaltie a prohibition of any mans receiueing of any lands vnder pretence of any gift from the Indians without approbation of the Court likewise the prohibition of any English to giue powder shott Amunition horses or boates is Intended vnder the same tearme of Indirect selling vnto the Indians vnder the same penaltie ;

i660.

none may re-
ceiue lands by
gift from the
Indians.

[PART III.]

*67

1656.

*It is enacted by the Court and the Authoritie therof; That all Indians liuing neare any Towneship of this Jurisdiction shalbee strictly charged not to make any alarum in the night by shooting or otherwise vnlesse nessesitated thervnto; as they will answare it att their pill;

1656.

It is enacted by the Court and the Authoritie therof that noe Indian shall discharge any gun on the Lords day att any thinge to the breach of the sabbath and disturbance of the English as they will answare it att their pill;

1652.

It is enacted by the Court and the Authoritie therof that henceforth the Indians within this Jurisdiction bee not pmitted to doe any seruill worke on the Lords day as by fishing fowling hilling planting or carrying of burdens &c and if they doe after notice giuen therof; they shalbee warned to the next generall Court by the Constable of the place where they soe transgresse.

1639.

Repealed July
1669.

It is enacted by this Court and the Authoritie therof that none shall giue trad trucke or exchange directly or Indirectly with the Natiues or Indians; other then Englishmens servants to giue or pay him mony Gould or siluer for the same vpon the penaltie of forfeiting twenty for one by him or her that shall soe doe;

1639.

It is enacted by the Court that whosocuer shall sell or barter directly or Indirectly any wine or strongwaters to any Indians vnlesse incase of sicknes or faintnes; and then onely with the consent or foreknowlidge of a maiestrate if there bee any in the Township or in defect of him; with the concent and foreknowlidge of the Comittes or Grandjurymen of the said Towneship and but a smale quantitie; and for euery default to pay fife pounds to the Collonies vse.

1656.

It is enacted by the Court that henceforth noe one shall make sale of any manor of Barques or boates sayles or Riging to any Indian or Indians on paine of forfeiting that which is soe sold and ten times the vallue therof.

1656.

It is enacted by the Court that none shall sell any horse or mare coult or foale to any Indian or Indians vpon paine of forfeiting euery such horse or mare coult or foale that shalbee soe sold and ten times the vallue therof.

1652.

It is enacted by the Court that noe pson within this Gou^rment shall furnish any Indian with any cask vpon the penaltie of the lose of the prise of the caske the one halfe to the Countrey and the other halfe to the enformer.

1639.

It is enacted by the Court that whosocuer shall giue trade trucke or exchange with the Natiues for any kind of milletary Armes; as guns of any

length or sort ; or any shott ledd bullets or powder ; or swords daggers rap-
 piers or mend or repaire any kind of armes for them shall forfeite twenty for
 one to the vse of the Collonie ; ^[PART III.] as much of this order as prohibiteth the selling of powder and
 shott to the Indians is repealed. July 1669. ^{1660.}
 And the like penaltie to them that shall lend any gun to an Indian ; ^{this aded June 1669.}

*Whereas Complaint is made that many vnder pretence of hieing Indians ^{*68}
 for to bee theire servants for a month or longer time doe furnish them with ^{1651.}
 guns powder and shott to kill foule deare &c It is enacted by the Court that
 whoesoeuer henceforth shall hier or Employ any Indian or Indians and fur-
 nish them with guns powder or shott or any one of them shall forfeite for
 euery such default forty shillings ; except they bee Indians that haue bin
 servants for diuers yeares ; and are in a good measure Ciuilliced and approued
 of by the Gou^r and Assistants ;

It is enacted by the Court that noe man shall make any pticulare vse of ^{1663.}
 any of the Indians lands without leaue of the Court ;

This Court takeing notice that there is a very great defect of appeer- ^{June 1664.}
 ance att the Generall trainings and that hitherto nothing hath bine done
 effectually in reference vnto the troopers for the gathering of theire fines ;

This Court doth order that such fines as are by the troop settled for
 defect of appeerance att any Generall Training that vpon an order from the
 Major or the Captaine of the Troope the Constables of such Townes where
 any such defects are shall forthwith collect the fine in some good and current
 pay and soe much besides as may Transport it vnto the Clarke or some place
 that hee shall appoint for the receiueing of it ;

It is alsoe enacted by the Court that noe Trooper whilst hee stands
 listed in the Troope shall att any time put away or dispose of his Trooping
 horse vnlesse hee haue some other horse that is approued by some of the Comis-
 sion officers of the Troop on penaltie of double the fine of non appeerance.

Morouer it is enacted by the Court That sufficient warning being giuen
 of a generall Muster ; noe busines or occations by sea or land ; if in the
 Countrey shall excuse non appeerance theratt ; nor any thinge but sicknes
 lamnes or Countrey seruice ;

It is enacted by the Court that if any one of the foot souldiers of any ^{1662.}
 milietary Companie of this Jurisdiction shall vnnessesaryly exempt himselfe ^{1664.}
 from appeerance att the generall Trainings att the times and places appointed
 except incase of sicknes lamenes Country busines or the like shalbee fined
 five shillings a day for euery day they shall neglect incase they can not giue a

[PART III.] sufficient reason therof to the milletary Comaunder in cheiffe and these fines to bee as well for the daies of marching out and home; as for the daies of exercise in training.

*69

*Att the Generall Court of Election held att
Plymouth the 8th day of June 1664.

The body of the ffreemen of this Corporation being assembled it was agreed and voated by them that an addresse shalbee made vnto his Ma^{ty} for the further confeirmation of our Pattent with as much conveniency as may bee; and for the management and ordering of matters consarning it both for the raiseing of moneyes and appointing of men to bee Employed therin The Countrey haue refered the same to the Court of Majestrates and deputies;

1664.

The body of the freemen of this Corporation being assembled in Court; haue ordered; and doe heerby declare theire resolutions to maintaine theire Just Rightes which for many yeares they haue bine posessed of in all those lands from Cape Codd to Saconett point with Pochassett Causumsett and the lands about Rehoboth to Patuckett Riuer and as farr vp the said Riuer till wee meet the Massachusetts line which crosses the said Riuer and thence to Coahassett as the line Runs;

1664.

And that incase any pson or psons bee seated or shall seat themselues within any the said lands or cause any cattle to bee brought within the said bounds or otherwise acte to our Treaspas without leaue from this Gou^rment and not withdraw after warning giuen them; that then some effectuall course bee taken for the remoueall of them;

And for that end it was likewise voated by the said Court that letters should bee directed from this Generall Court to the Gou^r and Councell of Road Iland for the asserting of our Just Rightes as aforsaid; and that they would Employ theire interest ouer such to reclaime them as haue thrust in vpon vs neare to Pochasett or elsewhere;

*70

*It is enacted by the Court and the Authoritie therof That all ordinary keepers or retaylers of stronge waters doe pay an excise of six pence a gallon for all such liquors as are made in the Collonie and drawne forth and retailed by them; and twelue pence a gallon for all such as they bring in or haue brought in vnto them from other ptes and eight pence a gallon for all wine that shalbee brought in and retailed as aforesaid and that those that are appointed in each Towne to looke after the law concerning excessiue bringing liqors into the Gou^rment shall alsoe take vp the excise; and to haue two pence a gallon for all liquors distilled in the Gou^rment and four pence a

gallon for all such as shalbee brought into the Gou^rment and two pence a gal- [PART III.]
 lon for all wine that is brought in and retailed as aforesaid and that all such
 retaillers or ordinary keepers shall; make payment of the said Excise vnto
 those that are appointed to receiue it; att the same time that they bring
 in such wine or liquors or that it is brought in vnto them; or giue a bill
 vnder theire hand for the payment therof in some short time after; vpon
 the penaltie of paying a fine of fise pounds for any that shalbee brought
 in and not excised or securitie giuen for the payment therof as aforesaid;
 and if any one chosen shall refuse to serue hee shalbe fined forty shil- This aded
 lings to the vse of the Collonie; June 8 (67.)

The Names of the Receiuers of the Excise in each Towne.

Plymouth	John Morton	Barnesta.	Henery Cobb
	Willam Harlow		Nathaniel Bacon
Duxbur.	Benjamine Bartlett	Marshfeild	John Bourne
Scittuate	Edw. Jenkins		
	John Daman	Rehoboth	Leiftenant Hunt
Sandwich	James Skiffe		Richard Bullocke
	Thomas Tobey		
Taunton	James Walker	Eastham	John Done Juni ^r
	Francis Smith		Willam Walker
Yarmouth	M ^r Hawes	Bridgwater	John Willis
	Rich: Tayler		

The oath to bee giuen to those that receiue the excise.

fforasmuch as the Court haue seen cause to order an excise to bee layed
 vpon sundry thinges

You shall dilligently Attend the execution of all such orders in such 1662.
 case provided and both demaund and receiue & giue in such sume or sumes
 as shalbee due to bee payed by any the said orders; You shall faithfully keep
 a true account of all such sumes as you shall therby receiue and faithfully
 deliuer vp a true account therof vnto the Treasurer as hee shall demaund it;
 according to order Soe healp &c;

*It is enacted by the Court and the Authoritie therof That Inheritances *71
 shall decend according to the comendable Custom tenure and hold of east An^o 1636.
 greenwich. Greenwich
 tenure.

It is enacted by the Court and the Authoritie therof That all exchanges 1636.
 giufts morgages leases or other conveyances of houses and lands shalbee all sales &c to
 bee recorded.

[PART III.] acknowledged before the Gou^r or any one of the Assistants and comitted to publicke record and the fees to bee paid ;

1661. It is enacted by the Court and the Authoritie therof that if any man
Wife to haue a thirds. die without Will his wife shall haue a third pte of his Lands during her life and a third pte of his estate for euer ;

The wife must consent to sale of lands. July 6 1646. It is enacted by the Court and the Authoritie therof That the Assistants or any one of them shall haue full power to take the acknowledgment of a bargaine and sale of houses and lands soe that they keep a booke therof and cause them to bee recorded with all convenient speed ; and that the wife heerafter come in and consent vnto and acknowlidg the sale therof alsoe ; But all bargaines and sales of houses and lands made before this day to remaine feirme to the buyer notwithstanding the wife did not acknowlidg the same ;

lands must pay debts. 1633. It is enacted by the Court that if any dies more in debt then their estates of goods and chattles comes vnto if the psons soe deceased haue bought any lands in his lifetime to the Impaireing of his estate otherwise ; That the lands soe bought bee sold to make satisfaction to his Creditors ; but wheras a portion of lands is disposed to each for the subsistence of his or her selfe and family ; That such land remaine vnto the Suruiuers him or her heires and noe seizure being alowed the creditor in such case ;

*72 1636. *It is enacted by the Court that such children as are heer borne and next vnto them such as are heer brought vp vnder their parents ; and are Children borne in the Countrey their priuiledge ; come to the age of descretion allowed and want lands for their accomodations bee provided for in place convenient before any that either come from England or elsewhere.

1636. It is enacted by the Court that whosoever shall couenant to giue lands of lands engaged to servants. by Indentures ; to their servants att the expiration of their seruice shall make good the same out of their proper lands the countrey being free from any such engagement ; and therefore not to bee expected ;

All lands must be bounded. It is enacted by the Court and the Authoritie therof that all townes in this Gou^rment ; take course that the true bounds of euery of their Inhabitants land bee certainly knowne ; and sufficient bound markes to their pticulare lands on the penaltie of the forfeiture of ten shillings for euery such neglect the one halfe to the enformer and the other halfe to the Towne ; and this to bee done att or before the fifteenth day of [^] 1659 ; and incase the Towne bee neglectiue they to bee liable to the fine of three pounds to the Collonies vse ;

It is enacted by the Court that where lands and tenements falls in Joynt ptenorship either by gift graunt or purchase or otherwise ; that if any of the ptenors doe die before the deuision therof shalbee made That the heires and assignes of such as shall soe decease shall not bee depriued of their Right title and Interest into such lands and tenements but shall haue his or theire proportion ; as duely and equally as any of the surviuers or theire heires or assignes any acte order costome and prouision made by this Court to the contrary in any wise notwithstanding as fully and amply as if deuision therof had bine formerly ; made ;

i643.
of lands in
ptenorship.

It is enacted by the Court that euery Towne in this Gou'ment shall prouide a booke for the recording of such lands as are posessed by any for which they haue not euidence ; and all such shall bringe Testimony of witnesses vnto such as the Towne shall appoint to take notice of the said euidence ; which shalbee fwe in number of the same towne ; and what the said fwe or any three of them being mett together shall conclude of they shall cause the Towne Clarke of the same towne to enter the same into the towne booke abouesaid ; and to bee published that if any within the tearme of two yeares can make better claime they shall come in ; and incase none doe by the time prefixed ; that it may be brought to the Court Record and Recorded and soe shalbee reputed sufficient euidence for the future ;

i654.
euery towne
shall haue a
booke to record
lands &c.

*It is enacted by the Court that any that are p'sented by any Towne in this Jurisdiction to any Majestrate in this Gou'ment to bee Surveyors or Measures of lands ; and such as are apointed to try and seale measures and all towne Clarkes shall haue an oath adminnestred vnto them by the Majestrates ;

*73
i649.
all measurers
of land &c to
bee sworne.

It is enacted by the Court that there shalbee in euery towne within this Gou'ment a Clarke or some one appointed and ordeined to keep a Regester of the day and yeare of the marriage beirth and buriall of euery man woman and child within theire towneship ; and to haue thripence apece for each pticulare pson soe registered ; and further it is enacted that euery father or mother and next in relation shall certify to the towne clarke or register keeper the name and day of the beirth of euery child soe borne in his house within one month next after it is borne or bee fined for euery such default three shillings the one halfe to the Gou'ment and the other halfe moyetie therof to the clarke or register keeper vpon his complaint and that euery pson married shall signify his and her name with the day on which they are married vnto the said clarke or register keeper within one month next after his said marriage vpon the like penaltie of three shillings the one halfe therof to the

i646.
TowneClarkes.

[PART III.] vse of the Collonie; and the other halfe to the said clarke or register keeper vpon his complaint and alsoe that euery master or mistris of the family in the which any pson dieth or pson next in relation to them soe dead shall giue notice vnto the said Clarke or register keeper; the name of the pson and the day of his said buriall and in defect therof to forfeit three shillings for euery default; the one halfe to the Gou^rment and the other halfe to the clarke or register keeper upon his complaint; and that the clarke or register keeper of each Township shall exhibite a true and pfect Coppy fairly written anually att March Courts vnto the Court of the beirthes marriages and burialls of the yeare past; and lastly that the Clarke or register keeper of euery Township shall publish all the contracts of marriages and haue twelue pence for his fees for euery marriage as hee publisheth orderly;

*74

*The oath of a Towne Clarke.

1654.

You shall faithfully serue in the office of a Towne Clarke of the Towne of for this p^rsent yeare and soe long as by mutuall Consent the Towne and you shall agree during which time you shall carfully and faithfully keep all such Records as you shalbee Intrusted withall; and shall record all towne acts and orders and shall enter all Towne graunts and Conveyances you shall record all beirtes marriages and burialls that shalbee brought vnto you within youer towne and shall publish all Contracts of marriages you shalbee required to doe according to order of Court bearing date the 20th day of October 1646 soe healp you God;

1636.

Marriage must
bee with con-
sent of parents.

It is enacted by the Court that none bee allowed to Marry that are vnder the Couert of Parents but by their Consent and approbation but incase consent cannot bee had then it shalbee with the consent of the Gou^r or some assistant to whom the psons are knowne whose Care it shalbee to see the marriage bee fitt before it bee allowed by him; and after approbation bee three seuerall times published before the sollemnising therof.

*75

1638.

none may sol-
licite to mar-
riage on paine
of fine or pun-
ishment.

*Wheras diuers psons vnfit for marriage both in regard of their young yeares and alsoe in regard of their weake estate some practising the Inveigling of mens daughters and maides under Gaurdians contrary to their parents and Gaurdians likeing; and of maid seruants without the leaue and likeing of their Masters; It is therefore enacted by the Court that if any shall make any motion of marriage to any mans daughter not haueing first obtained leaue and consent of the parrents or masters soe to doe shalbee punished by fine soe it exceed not five pounds or corporall punishment att the discretion of the bench and according to the nature of the offence;

It is enacted by the Court that if a motion of Marriage bee duly made to the master and through any senistery or Couetuous desire hee will not consent therunto ; then the cause shalbee made knowne to the majestrates ; and they to sett downe such order therin as vpon examination of the case shall appeer to bee most Just and equall on both pties ;

i636.
against couet-
uouse masters
that hinder
theire servants
from marriage.

It is enacted by the Court that noe servant comeing out of his time ; or other single pson bee suffered to keep house or bee for themselues till such time as hee or they bee competently provided for of armes and amunition according to order of the Collonies and that if such bee yett wanting they bee provided for as aforsaid or else provide themselues such masters as may provide for them ;

i636.
young men
must provide
armes before
allowed house
keepers.

It is enacted by the Court that none bee allowed to bee housekeepers or build any Cottages or dwelling houses till such time as they bee allowed by the Gou^r and Councell of Assistants or some one or more of them and that this order bee strictly obserued ;

i636.
none to bee
allowed house
keepers but by
the Gou^r and
Assistants.

*It is enacted by the Court that noe servant coming out of England or elsewhere ; and is to serue a master for some time bee admitted to bee for himselfe ; vntill he haue serued out his time either with his master or some other ; although hee shall buy out his time ; except hee haue bin an houskeeper or master of a family or meet or fitt to bee soe.

*76
servants must
serue out
theire time be-
fore pmitted to
keep house.

i638.

It is enacted by the Court That noe pson or psons shalbee admitted heerafter to liue and Inhabite within the Gou^rment of New Plymouth without the leaue and likeing of the Gou^r and two of the Assistants att least:

i636.
none may bee
admitted into
the Gou^rment
without the
likeing of the
majestrates.

The oath of Any resideing in this Gou^rment.

You shalbee truely Loyall to our Sou^r Lord y^e Kinge his heires and Successors ; and wheras you make Choise att Present to reside within the Gou^rment of New Plymouth ; you shall not doe or cause to bee done any acte or actes directly or Indirectly by land or water that shall or may tend to the destruction or ouerthrow of the whole or any of the seuerall plantations or Townshipes within the said Gou^rment That are or shalbee orderly erected and established ; but shall Contrarywise hinder oppose and discouer such Intents and purposes as tend therunto to the Gou^r for the time being or some one of the Assistants with all Convenient speed You shall alsoe submitt vnto and obey all such good and wholsom lawes ordinances and officers as are or shalbee established within the limetts therof Soe healp you God whoe is the God of truth and the punisher of ffalchood ;

The oath of
fidelitie.
i636.

*77
i661.
penaltie of re-
fusing to take
the oath of
fidelitie.

*It is enacted by the Court and the Authoritie therof That all psons within this Gou^rment that are att their owne dispose and haue not taken the oath of fidelitie shall repaire vnto some one of the majestrat^s of this Jurisdiction to take the said oath; which if they shall neglect or refuse to doe such pson or psons shalbee summoned to euery election Court to make their appeerance theratt during the time of their abode in this Gou^rment and if any such pson or psons shall then refuse to take the said oath they shalbee fined the sume of fve pounds to the Collonies vse;

i639.
Townes liber-
ties to make
orders.

It is enacted by the Court that all Townshipes in this Gou^rment shall haue libertie to meet together and to make such towne orders as shalbee needfull for the maintainance of good naighbourhood; and to sett penalties vpon delinquents; prouided their orders bee not repugnant nor Infringe any publicke actes; and the fines and penalties shalbee disposed of afterwards to their pticulare townshipes;

i639.
more of townes
liberties.

Wheras the Townes within this Gou^rment haue formerly had libertie to meet together to make some Towne orders which are thought to bee defectiue for that they conceiued they had not power to make assesments rates and taxes for raiseing such nessesary expences as shalbee disbursed about the generall occations of the Towne concerning the Comonwealth It is enacted by the Court and the Authoritie therof that euery Township shall haue libertie to meet together and make leuies rates and taxes for their townes Charges and to distraine such as shall refuse to pay the same vpon warrant from the Court or Gou^r or any of the Assistants;

*78
i642.
none may
bring in stran-
gers without
the towns con-
sent.

*It is enacted by the Court that if heerafter any Inhabitant or Inhabitants of any towne within this Gou^rment shall receiue or bring in any pson or psons as is apparently likely to bee chargable to the towneship; against whom Just exception is made att the time of his coming or within a month after; & without the consent and assent of the Townsmen in a lawfull generall townmeeting the ptie or pties that soe receiued or brought them shall discharge the towne of them;

i642.
of deseased
psons coming
out of England
or othwise &
concerning
their main-
tainance.

It is enacted by the Court that if any pson or psons Coming out of England or elsewhere bring any pson or psons whoe by reason of Impotencye disease or otherwise is apparently likely to bee Chargable to the place where hee shall come to Inhabite; the pson or psons soe bringing in any pson or psons shall discharge the towneship of them during the time of the deseaseds abode there but incase any Inhabitant within this Collonie shall bringe ouer from England or elsewhere or procure to bee sent to them any servant or ser-

vants which by Gods prouidence shall fall deseased lame or Impotent by the way or after they come heer they shalbee maintained and prouided for by their said Masters during the time of their seruice and couenants although their said masters release them out of their said seruice; and afterwards to bee releuiued by the townships where hee liues. [PART III.]

It is enacted by the Court; that if any Children or elder psons shalbee sent or come from one towne to another to bee Nursed Scooled or otherwise educated or to a Phisition or Chirurgion to bee Cured of any desease or wound &c and come to stand in need of releife; they shalbee releuiued and maintained by the townships whence they came or were sent from; and not by that township where they are soe nursed educated or att cure and incase they come or bee sent from any place out of this Collonie then if the nurse ducator or Phisition or Chirurgeon; take not sufficient Cecuritie of the psons to bee nursed educated or att cure; to discharge [the township] of and from all cost or charge which shall or may come and befall the said Township in which hee and they is soe to bee nursed educated or cured; that they the said Nurse educator Phisition or Chirurgion; as neglecteth the same shall discharge the township of them; them selues;

*It is enacted by the Court that euery pson that liueth and is quietly settled in any Township of this Gou'ment; and not excepted against within the Compas of three montes after his coming; in this case shalbee reputed an Inhabitant of this place;

Wheras it was enacted as abouesaid that a pson quietly settled in any towne of this Gou'ment &c the space of three monthes should bee reputed an Inhabitant there; It is enacted by the Court; that that acte shalbee construed onely to haue relation to poor psons; and it is alsoe prouided that that acte shall not any wayes enable any pson to bee reputed an Inhabitant in any Township within this Gou'ment that shall or doth refuse to take the oath of fidelitie &c although hee hath bine resedent there for some time;

It is ordered by the Court that those that haue releife from the townes where they liue; and haue children and doe not Employ them that then it shalbee lawfull for the Township to take order that those Children bee put to worke in fiting Employment according to their strength and abillitie or placed out by the townes.

Wheras it is obserued that there are diuers psons in this Gou'ment which are not able to provide Competent and convenient food and rayment for their Children; wherby it is that poor children are exposed vnto great want and extremitie

[PART III.]

It is enacted by the Court and the authoritie therof that two or three men shalbee chosen in euery township of this Gou^rment That all such as are not able to prouide nessesary and convenient food and clothing for their Children and will not dispose of them; themselues soe as they may bee better prouided for; such said children shalbee disposed of by the said men soe appointed as they shall see meet soe as they may bee comfortably prouided for in the premises; and the seuerall townes shall returne the names of such men as shalbee deputed and chosen to the Court;

*80
1642.
of prouision
for y^e Poor.

*It is enacted by the Court that euery Township within this Gou^rment shall make competent prouision for the maintainance of their poor according as they shall find most convenient and suitable for themselues by an order and generall agreement amongst them; in a publicke Towne meeting;

of townes
bounds.

It is enacted by the Court that the Gou^r and Assistants shall appoint some to sett forth the bounds of Townshipes as formerly they haue done;

1639.
of highwaies.

It is enacted by the Court that if an highway bee wanting in any Township of this Gou^rment vpon complaint That then the Gou^r or any of the Assistants Impanell a Jury and vpon oath charge them to lay out such waies both for horse and foot as in consience they shall find most beneficiall for the Comonwealth and as little p^rjudiciall to pticulares as may bee; and that all old foot pathes shalbee still alowed except other prouision bee orderly made; and that where there are alowed foot pathes ouer any mans ground which is fenced vp; the owners of such ffences shall make sufficient stiles or gates.

1644.
1646.
Survey of high-
waies.

It is enacted by the Court That the Surveyors of highwaies shall giue three daies warneing to the teames and other pticulare p^rsons when they are to amend the highwaies as often as need shall require prouided they doe not warne one Teame or one p^rson twise; before they haue gon ouer all the Teames and p^rsons in their Townshipe; and if any bee warned as aforsaid and shall neglect hee shalbee fined three shillinges a day; and for euery Teame soe warned that shall neglect eight shillinges a day; and that the Surveyors of such Townes where such neglect is shall returne their names to the next maiestrate that by warrant the said fines may bee required by the Constable of the Towne for the Townes vse; and euery Surveyor that shall neglect his duty in repairing the highwaies shall forfeite fve pounds to the Collonies vse; and if it soe fall out that in the yeare all the Teames and p^rsons haue not bine warned to the worke aforsaid that they bee all warned ouer before they begine againe; and that the Surveyors shall hier a teame or man and to bee payed out of the fine of him that is absent;

*It is enacted by the Court that the will and Testaments of such as die bee orderly proued before the Gou^r and Assistants the next Court after the pty is deceased provided the court bee not within one month after the death of the Testator and a full Inventory duely vallued bee p^rsented with the same before letters of adminnestration bee graunted to any; of all the goods and Chattles of the said p^rsons; alsoe if incase any man die without will; then his goods bee by his wife or other nearest to him Inventoried and duely vallued and p^rsented to the Gou^r and assistants att the time foremen- cioned and if it be a single p^rson without kinred heer resedent; that then the Gou^r appoint some to take a Just Inventory of the same vpon oath to bee true and Just as in other the cases before mencioned;

*81

1633.

of Wills and Inventories.

It is enacted by the Court that if any man being weake and sicke and otherwise of disposing memory to declare his mind and will concerning the disposing of his lands or goods before two or more of the ffreholders of the place where hee liues; It shalbee vpon their oathes recorded and remaine feirme according to such deuise or bequest.

1645.

Nuncupative Wills.

It is enacted by the Court that none shalbee suffered to retaile wine strong waters or beer either within dores or without except in Inns or victual- ling houses allowed; and that noe beer bee sold in any such place to exceed in prise twopence the Winchester quart;

1636.

of retailing strong liquor wine &c.

It is enacted by the Court that noe stronge Liquors shalbee sold in any place within this Gou^rment that shall exceed in prise three shillings a quart;

1659.

the prise of li- quors retailed.

It is enacted by the Court that noe Liquors shalbee sold in any pte of this Gou^rment that shall exceed in prise six shillings the gallon except it bee English speritts.

1663.

More of the prise of liquor retailed.

It is enacted by the Court that whosoever shall sell any wine or stronge waters in any towne of this Gou^rment being not alowed by the Court shalbee fined fve pounds to the vse of the Collonie;

1663.

None may re- taile liquors except alowed by the Court.

*It is enacted by the Court and the Authoritie therof That noe ordinary keeper in any Towne of this Gou^rment shall pmit any single p^rsons either children or servants vnder the Gou^rment of parents or masters or any that are not housekeepers to buy any stronge liquors or wine in their houses or where they haue to doe without libertie from their parents or masters; vpon the penaltie of paying a fine of fve shillings; for euery default.

*82

1663.

against single p^rsons drinking in ordinaries.

Wheras great Complaint is made of Intollorable abuse in diuers ptes of this Gou^rment by the bringing in of soe great quantities of wine and stronge

1663.

Of serching boates for li- quor &c

[PART III.]

See a further
appendix or
addition to this
order the 23
page forward
in this booke.

water by which great excesse is occationed both amongst English and Indians ; It is enacted by the Court and the Authoritie therof that whatsoever wine or strong waters shalbee brought into this Gou'ment by any boat barque or other vessell or into any plantation by any Carrier Wagganor or boates master ; they or any of them soe bringing in strong water or wine ; shall emediate vpon their ariual ; before they breake bulke or vnload giue in an Invoyce therof to such pson or psons as the Court shall appoint thervnto vpon the penaltie of forfeiting all such goods one third to the Collonie a third to the enformer and a third to those that are appointed to Invoyce and serch ; and incase the goods soe forfeited shall appeer not to bee the masters of the vessell or the wagganors, the damage that shall acrew to the owners of such goods shalbee made good by the said master or wagganor and incase any such goods shalbee brought into any Towne of this Gou'ment by any vessell or waggon ; the master or wagganor not knowing therof That then the forfeiture therof shall fall vpon the owner of such said goods and incase any such goods shalbee in any mans costody that is not Invoiced ; they or the vullue of them shalbee forfeited as aforsaid ; and incase any master of a vessell or a wagganor shall ariue att such times as the psons appointed to Invoyce are not att home That then it shalbee sufficient notice giuen if the said master or wagganor leaue a note therof att the house of the said pson deputed with his wife or some other of descretion in his family ; and incase any master carrier or wagganor shall haue cause to suspect any such goods may bee concealed in any caske or sacke amongst other goods ; It shalbee lawfull for him to detaine it vnder his hand vntill hee haue enformed the pson or psons appointed to take care therof in whose power it shalbee to open and serch the same ; and incase any shalbee found that hath bine so consealled It shalbee forfeited one third to the Collonie one third to the master and another third to the sercher ; Morouer all such as are appointed to Invoyce such goods are authorised by the Court to serch any mans boate house or waggon for such goods as occation shall require and incase any shalbee found that hath bine soe concealed It shalbee forfeited as aforsaid ; and that all such psons as shalbee appointed to take Invoyce of such goods shall giue in an account vnto euery ¹ of the Generall Courts ; That soe the Court of Majestrates may as they shall see cause enquire after the orderly dispose of such wines or strong liquors wherein if they haue not a satisfactory answere they may inflict such suitable penaltie by fine or otherwise on such abusiue disorderly disposers therof as they may Judge requisett for remedy of that abuse ;

this aded July
10th 1677.

¹ The original law has here been changed by the substitution of the last five lines on this page as an amendment or addition, being written upon a slip of paper so pasted over the original as to conceal

*It is enacted by the Court that none doe keep victualling houses or ordinaries or draw wine but such as are allowed by the Generall Court; and that if any victualler or ordinary keeper doe either drinke drunke himselfe or suffer any persons to bee drunke in his house they shall pay five shillings a peece and if the victualler or ordinary keeper doe suffer any Townsmen to stay drinkeing in his house above an houre att one time the victualler or ordinary keeper shall pay for euery such default twelue pence; and the person soe staying above the said houre three shillings and four pence; and by drunkenes; is vnderstood a person that lispes or falters in his speech by reason of ouermuch drinke or that staggers in his goeing or that vomitts by reason of excessiue drinking or can not follow his calling The person or persons that shalbee found guilty in these or any of them shall for the first default pay five shillings and for the 2^{cond} default ten shillings to the Collonies vse and for the third default bee bound to the good behauior; and if hee or they can not or will not pay the fines then to bee sett in the stockes and soe for the fourth time to bee fined five pounds or bee whipt and soe from time to time as often as they shall soe Transgresse;

[PART III.]

*83

1646.

against drunk-
enes.

It is enacted by the Court that the Children or servants as dwell neare any victualling house bee not allowed Intertained or suffered by the Master of the said house there to drinke and spend their time but if any such can bee proued it bee esteemed a misdemenor punisha^{ble} in the said victualler and to bee enquired into.

1636.

against chil-
dren or ser-
vants drinking
in victualling
houses.

fforasmuch as great inconueniencies haue bine occasioned by younge men and other labourers that haue dieted in Inns and Alehouses especially whoe haue had other houses to repaire vnto in the same Towne; It is therfore enacted by the Court that none shall diett in Inns and Alehouses nor haunt them which are in the Townes they liue in; nor make them the ordinary place of their abode;

1638.

against dieting
in ordinaries.

or obliterate a portion of the manuscript. A careful removal of this paper has disclosed to view the following paragraph.

[D. P., 1860.]

of the Generall Courts; *that soe the Court may enquire after and take due course for the preuention of such abuse; and this court doth Impower the Majestrates to take such effectuell course against any that they shall find to transgresse in this kind; as they may incase of other misdemenors; and further this Court doth require all persons within this Gou^rment; that doe or shall still any stronge waters; to give in account vnto the persons appointed therevnto of their disposall of them; both of the quantitie and the persons to whom sold; on the penaltie of his forfeiting the vallue of such liquors as hee shall not giue in a third to the collonie a third to the enformer and a third to such persons as are appointed to envoyce and serch;

*

*84

1654.

libertie to sell
wine &c to the
sicke though
not retaillers
alowed;

*It is enacted by the Court that incase of weaknes or sicknes of any pson or psons in any Towne within this Gou^rment; and that such as are deputed to draw and sell wine and strongwaters haue none It shalbee lawfull for any one that hath any such That they may sell it for such Intents and purposes as to releiue the weake and sicke notwithstanding any former order to the contrary provided it bee with the likeing and approbation of the majestrate if there bee any in that towne; and incase there bee none that then it bee with the consent of the Constable; of the Towne;

1653.

libertie for
ffishing fowl-
ing &c.

It is enacted by the Court That ffishing fowling and hunting bee free provided if any damage comes to any pson by the procecution of such exercise; restitution bee made or the case actionable but if any man desire to Improue a place and stocke it with ffish of any kind for his private vse; It shalbee lawfull for the court to make any such graunt and forbid all others to make vse of it;

1637.

It is enacted by the Court that six score ffishes shalbee accounted to the hundred of all sorts of ffish;

1636.

It is enacted by the Court that one Comon Standard bee vsed by all for waighes and measures and that according to Winchester which is the Standard of England;

1652.

standard
for waights
measures.

It is enacted by the Court That euery Towne within this Gou^rment shall haue a standard for measures of Corne made by those that are provided att Plymouth by a former order of Court for that end to try and seale their measures by which are to bee vniforme amongst them and to bee made round; and these to bee made by the last of Nouember 1658 and to bee kept by the seallers of euery Towne for the Townes vse;

It is enacted by the Court

1652.

of measurs
and seallers.

That in euery Towne within this Jurisdiction there bee one appointed to try and seale measures; and to haue for euery measure foure pence which shalbee tryed and sealled by him; and onely round measures to bee alowed to by and sell by; and that the seauerall Townes shall choose a fitt pson for each of them for sealler and to p^rsent him to a majestrate to bee sworne;

*85

*The oath of a Sealler of Measures

1661.

The oath of
a sealler of
measures.

Wheras You are Chosen to the office of a sealler for the Towne of
You shall during youer continuance in your said office truly and ffaithfully
seize and seale all such measures as are or shalbee att any time brought in

vnto you for that end ; according to such Standards as are allowed and [PART III.]
prouided by the Countrey Soe helpe {ð ;

It is enacted by the Court that none shall sell by any vnsealled waighthes i645.
and measures which are not waight and measure by the Standard ; and that all must make
if any shall soe doe they shall loose such waighthes and measures and make the waighthes
restitution to the pties soe wronged by such waighthes and measures ; and shall and measures
pay to the Collonies vse for euery such default of falce waight and measure ; to bee made
for the first Time six shillings for the second time thirteen shillings and according to
foure pence ; and for the third time twenty shillings and such waighthes and the standard.
measures to bee burnt ; and that a pile of waighthes according to Winchester
bee procured to bee the Standard ; and that the sealler shall haue for sealling a
peny for euery waight vnder a quarter of a pound ; and for all aboue a quarter
of a pound to six pound two pence a peece ; and for all aboue six to a hun-
dred pound foure pence ;

It is enacted by the Court that noe Miller within this Jurisdiction shall i638.
take aboue the sixteenth pte of a bushell for grinding such Corne as is brought of millers and
vnto him to bee ground and that all Millers within this Jurisdiction shall grinding of
either grind theire Corn sufficiently that is brought vnto them for that end corn.
or else that vpon complaint to the Court therof and the thinge proued ; the
Miller shall pay for euery such default six pence for euery bushell to the
pty greiued and six pence to the Treasurer to the vse of the Collonie ;

*It is enacted by the Court that euery Miller within this Jurisdiction *86
shall haue two toule dishes viz: a quart and a pottle but to bee soe made that i645.
vpheaped they will hold noe more but a quart and a pottle by the measure millers toule
allowed and those to bee sealed by the last of Nouember i658 or else to pay dishes.
ten shillings for euery month soe longe as the said Miller keepeth them
vnsealled ; and that all millers shall prouide Scales and waights to wey mens
Corne by ; as occation shall require ;

It is enacted by the Court that all such cask as shalbee made by any i652.
Cooper within this Jurisdiction shall haue the two first letters of his Name sett Caske to bee
on euery such caske hee makes by a burnt marke ; vpon penaltie of the losse marked.
of such Caske the one halfe to the enformer and the other halfe to the Countrey.

It is enacted by the Court that all Coopers within this Gou^rment ; are i652.
to make all theire Caske according to London gage vpon the like penaltie.

It is enacted by the Court that euery towne within this Gou^rment shall i652.
choose a fitt pson for serching of Caske and packing of ffish and meate and
p^rsent them to a maiestrate to bee sworne.

i633.
1639.

It is enacted by the Court that euery Constablericke haue a sufficient pound to Impound Cattle that shall transgresse any such orders as are or shalbee made ; on the penaltie of fve pound for euery towne that shall Neglect ;

i638.

It is enacted by the Court that euery pound keeper shall haue six pence for euery horse that hee Impoundeth.

i663.

It is enacted by the Court that whosoeuer shall by pound breach lett out any beast or cattle lawfully Impounded shall pay a fine of fifty shillings for euery such default ;

*87
i633.
vnruley Cattle
to bee Im-
pounded.

*It is enacted by the Court that whatsocuer damage comes to any by Cowes goates mares sheep or hoggs by breaking into mens pticulare Inclosures ; It shalbee lawfull for the psons soc damnified to Impound them ; and two sufficient men to view the damage which accordingly shalbee giuen and payed ;

i632.
of sufficient
fences.

It is enacted by the Court that such ffences as are Judged sufficient against oxen and Cowes shalbee allowed sufficient against horses and mares ; and if any horse beast breake into any Corne or grasse ouer such sufficient ffence ; the owners of such horses shall pay the damage proued as if they were Impounded.

i655.
more of Cattle
Impounded.

It is enacted by the Court that incase any cattle horses or hoggs shall treaspas vpon any and bee by them Impounded ; and after they are Impounded they remaine foure daies after notice giuen to the owners ; and bee neither repleuied nor agreed for ; It shalbee lawful for them as Impound them ; to make publicke sale of them after publicke notice giuen to the Inhabitants of the towne of their Intension soc to doe ; and after damages satisfied the remainder to bee returned to the owners.

i633.

It is enacted by the Court that noe man shall heard his owne Cattle or other mens to the p'judice of any att or neare his or their house vpon their land but vpon due Notice and warning shall reforme it or the case bee actionable ;

i658.
Diuers orders
about horses.

It is enacted by the Court and the authoritie therof that euery Towne within this Gou'ment shall haue some publick brand marke for their horses to distinguish them from other townes and alsoe some fitt psons appointed to take notice of mens publicke markes for horses and register them in a booke with their day and yeare which may bee the towne clarke and the said pson to haue four pence a peece for euery horse kind hee registreth.

That all psons that are resedent in any Towneship and haue horses going there ; giue in vnto the said pson from time to time their seuerall markes of their horses with their age that soe they may record them.

2

*That if any horse kind being about two yeares old and noe marke wherby the owners of them may bee clearly knowne that the said pson soe deputed takeing notice of any such doe signify the same to the Marshall the next generall Court that soe hee may bee three times cryed with his age and couller ; and that if within six monthes afterwards any vpon due euidence can owne them paying all Nessesary charges hee may haue him ; but if in six monthes time none can owne him that then the said horse kind bee looked at as belonging to the Countrey ; and the Treasurer to take order to dispose of him for the Countreyes vse as the Countreyes stocke defraying all nessesary charges.

*88

3

That noe pson or psons marke any horse kind younge or old but before sufficient witnes that none bee wronged ;

4

That noe pson or psons take vp any horse kind soe as to send them out of this Gou^rment before hee or they carry the same to the pson deputed and soe euidence it to bee his or theirs for whom taken vp and take a note vnder his hand and that hee shall enter it ; both day and yeare ;

5

That if any pson or psons shalbee found carrying any horse kind out of this Gou^rment without a note vnder the hand of the pty deputed aforesaid from whence hee came ; That the horse bee secured att the owners charge vntill a note bee procured ; and the pson that brought him bee fined fife pounds to the Collonies vse ; If an Inhabitant ; but if a stranger not knowing the order ; the like penaltie vpon him that deliuered him ; if an Indian to bee publickly whipt by the Constable where hee shalbee taken with the horse.

6

That noe Indians bee pmitted to course or take vp any horses except in companie with the English and that with consent and approbation of a maiestrate if there bee any in that towne if not with the approbation of the Towne clarke ;

7

Wheras seuerall Complaints haue bine made to the Court by diuers of great wronges and damages by straying horses not onely of other townes but alsoe of other Jurisdictions and noe redresse this Court ordereth That all such psons whose horses soe treaspas and yett noe redresse or satisfaction tendered ; that the Township soe agreiued as they haue oppertunitie doe Impound the said horses vntill some due satisfaction bee giuen or Composition made for the Treaspas and alsoe all other due for their Impoundinge ;

8

[PART III.]

*89

*The Markes for horses for distinctions of the Townes ;

ffor Plymouth a **P** on the neer buttocke
 ffor Duxburrow a **D** on the neer buttocke
 ffor Scittuate an **S** on the neer buttocke
 ffor Taunton a **T** on the neer shoulder
 ffor Sandwich an **S** on the neer shoulder
 ffor Yarmoutha **Y** on the neer shoulder
 ffor Barnstable a **B** ; on the neer Buttocke
 ffor Marshfeild an **M** on the neer buttocke
 ffor Rehoboth an **R** on the neer buttocke
 ffor Eastham an **E** on the farr shoulder
 ffor Bridgwater a **B** on the neare shoulder
 Swansey an **S** : on the farr shoulder.

June
1659.

It is enacted by the Court that if any Towne shall neglect to procure a brand marke by the last of July next for to marke horses according to order shalbee fined five pounds ;

June
1659.

It is enacted by the Court that euery owner of horses in this Jurisdiction shall take the first oppertunitie to marke and enter theire horses according to order and incase any shall neglect soe to doe betwixt this and March next shall forfeite five shill: to the Towne for euery horse found vnmarked ;

1661.

It is enacted by the Court that all stray horses or horse kind that noe pticulare [^] can make any Just proffe that they are his or theires shall appertaine vnto the Countrey ;

It is enacted by the Court that all such as take vp any strayed that shalbee found and proued soe to bee they that take them vp and giue enforcement concerning them shall haue one pte of three for their labour ;

1661.

It is enacted by the Court that the rules and waies to bee obserued for the tryall of strayed shalbee by their age markes and Couller ;

*90

Of Cattle trespassing the Indians.
1659.

*Whereas Complaint is made that the Indians in seuerall ptes of this Jurisdiction liueing in remote ptes from any townships ; haue receiued great damage by the horses and hoggs of the English ; It is enacted by the Court that it shalbee lawfull for the Indians soe annoyed by the horses or hoggs of the English whoe liue remote from any towne ; to bring such horses or hoggs of the English to the pound in the next towneship ; and there to bee kept till the owners take a course to satisfy the damage and such Indians to haue

twelue pence a peece for hoggs (if they bring them aboute eight Miles and alsoe that if any neate Cattle shall treaspas the Indians; it shalbee lawfull for them to Impound them that soe they may haue reasonable satisfaction. [PART III.]

It is enacted by the Court That none shall make sale of any boards plankes or timber out of the Gou^rment that hath bine growing in any swampes that are reserued for publicke vse without leaue but shall onely soe doe of such as arise out of their owne proper grounds; i636.

It is enacted by the Court that for the preuenting of such Inconueniencies as may befall the Gou^rment by the want of Timber; That noe man of what condition soeuer shall sell or Transport any manor of workes; as frames for houses plankes boards shiping shallopes boates canooes or whatsoeuer may tend to the destruction of Timber how little soeuer the quantity bee without the consent approbation and likeing of the Gou^r and assistants and if any bee found faulty heerin and shall Imbarque or convey to that end to make sale of any of the pticulares aforsaid expressed or Intended by this order the said timber to bee forfeited; and to bee fined twice the vallue therof soe sold to bee leuied for the vse of the Collonie; except what ariseth within their owne Township or pticulare lands; i626.
prohibition of
selling timber
of the Gou^r-
ment.

this clause
aded i658.

It is enacted by the Court that whosoever shall saw any boards in any place within this Gou^rment that is not in the bounds of any pticulare Township shall pay to the vse of the Gou^rment one shilling and eight pence for euery Thousand to bee payed to the Treasurer for the vse of the Collonie and of timber and planke according to the proportion answarably; i652.

*Whereas Complaint is made that much Timber is felled on the comon and lett lye and not Employed; and suffered to rott there; by those that felled it; and therby the Countrey much damnified; It is enacted by the Court that whosoever shall or hath felled any timber on the Comon and doth not either square or riue it within halfe a yeare after it is felled; It shalbee lawfull for any other to make vse therof as hee shall see meet; i658.
against abu-
sive felling of
Timber.

*91

Whereas sundry psons both Quakers and others wander vp and downe in this Jurisdiction and follow noe lawfull calling to earne their owne bread; and alsoe vse all Indeuors to subvert Ciuill state and to pull downe all churches and ordinances of God; to thrust vs out of the waies of God; Notwithstanding all lawes p^rouided to the contrary; Bee it therfore enacted by the Court and the authoritie therof that with all convenient speed a worke i658.
of a house of
correction.

[PART III.] house or house of Correction bee erected ; That all such vagarants as wander vp and downe without any lawfull calling ; and alsoe all Idle psons or rebellious children or servants that are stubborne and will not worke to earne their owne bread and yett haue not wherewith to maintaine themselves may bee put to the house of Correction ; and there bee Employed in such worke as shalbee there provided for them ; and to haue noe other supply for their subsistence then what they shall earne by their laboure all the while that they continew there ; and alsoe that some faithfull man bee appointed by the Court to bee ouerseer of this house of correction whoe shall carfully obserue such orders as shalbee from time to time directed to him from the Gour or any of his assistants concerning any pson or psons that may [bee] sent to him.

i660.
more of the
house of Cor-
rection.

In reference to the putting in execution the order about the house of Correction ; It is ordered by the Court that an addition shalbee erected of fourteen foot long of equall hight with the prison att the one end therof ; with two chimneys in it ; one in the lower rome and the other in the vper rome with a yard before it fenced with a fence of eight foot high made of boards and the Treasurer is to take some speedy course for the doeing of it ; and that a fitt pson bee chosen by the maiestrates to bee the ouerseer therof.

*92
1655.
whoe are to
bee admitted
into the col-
lonie.

*Whereas it hath bine an ancient order bearing date March the seauenth i636 That noe pson coming from other ptes bee allowed an Inhabitant of this Jurisdiction but by the approbation of the Gour and two of the maiestrates att least ; and that many psons contrary to this order of Court are crept into some Townshipes of this Gou'ment ; which are and may bee a great disturbance to our more peacable proceedinges bee it enacted by the Court and the Authoritie therof that if any such pson or psons shalbee found that hath not doth not apply and approue themselves soe as to procure the approbation of the Gour and two of the assistants That such bee enquired after and if any such psons shalbee found that they either depart the Gou'ment ; or else that the Court take some such course therein as shalbee thought meet &c ;

i658.
of the cheife
marshall his
leuing of fines.

It is enacted by the Court that when the vper Marshall shall haue occasion to leuy any fine or fines hee hath libertie by this order to chose one to prise the goods or Chattles taken by destresse and the delinquent hath liberty to chose another if hee please but if the delinquent shall refuse to gitt another then the Marshall and him whom hee hath chosen shall prise the said goods or Chattles and incase they bee required by the Marshall to prise the said goods or chattles and shall refuse hee shalbee fined fve shillings for euery such default to the Collonies vse ; and what expence of time and paines

any shalbee att in priseing such said goods or chattles hee shalbee reasonably [PART III.]
satisfyed for the same ;

fforasmuch as many psons are greatly corrupted with the Quakers doctrines by reading their bookes writings or epistles which are sent and distributed into sundry places within this Jurisdiction ; It is therfore enacted by the Court and the authoritie therof that incase the Constable or grandjurymen shall find or heare of any Quakers bookes epistles or writings hee shall seise on them and p'sent them to a majestrate or the next Court. 1659.
of Quakers.

It is enacted by the Court that there shalbee in the seuerall towneshipes of this Jurisdiction a Cage erected especially att Sandwich Duxburrow Marshfeild and Scittuate and that the charge of them shalbee defrayed out of such fines as shall arise out of the said Townshipes soe the charg exceed not three pounds. 1660.
of Cages.
Repealed July
4, 1667.

*Whereas by a former order of Court all psons were required to giue notice to the Constables of their seuerall p'sents of all such psons as were knowne to bee forraigne Quakers now this p'sent Court doth enact that it shalbee lawfull for any Inhabitant within this Jurisdiction vpon their knowl- *93
1660.
against Qua-
kers.
idg and haueing oppertunitie ; to vse all such Indeuors to apprehend all such Quakers and to deliuer them to the Constable or bring them before the Gou^r or some one of the Majestrates.

Whereas wee find that of late times the Quakers haue bine furnished with horses and therby they haue not onely the more speedy passage from place to place to the poisoning of the Inhabitants with their cursed tenents ; but alsoe therby haue escaped the hands of the officers ; that might otherwise haue apprehended them ; It is therfore enacted by the Court and the authoritie therof ; That if any pson or psons whatsoever in this Gou^rment doth or shall furnish any of them with horse or horse kind ; the same to bee forfeited and seized on for the vse of this Gou^rment ; or any horses that they shall bring into this Gou^rment or shalbee brought in for them and they make vse of shalbee forfeited as aforesaid ; and that it shalbee lawfull for any Inhabitant to make seizsure of any such horse and to deliuer him to the Constable or the Treasurer for the vse of the Collonie ; 1660.
against Qua-
kers.

It is enacted by the Court that any one that shall bringe in any Quaker or Rantor by land or water into this Gou^rment ; viz: by being a guide to them or any otherwise shalbe fined to the vse of the Gou^rment the sume of ten pounds for euery such default ; 1660.
against bring-
ing in of Qua-
kers.

[PART III.]

1660.

It is enacted by the Court that the Law Concerning not coming to our meetings that the fines shall not bee leuied vntill the Court shalbee in a capacitie to order otherwise ;

*95

1661.

against enter-
teining Qua-
kers.

*It is enacted by the Court that henceforth noe pson or psons shall pmitt any meetings of the Quakers to bee in their house or housing on the penaltie of being summoned to the next generall court and there being convicted therof; shalbee publickly whipt or pay a fine of fve pounds to the Collonies vse ;

against vaga-
bonds.

1661.1663.

It is enacted by the Court and the Authoritie therof that if any pson or psons shall come into this Gou'ment That according to the law of England may Justly bee accounted vagabonds; the Marshall or the Constable of the Towne wherevnto they come; shall apprehend him or them; and vpon examination soe appeering; hee shall whip them or cause them to be whipt with rodde; soe as it exceed not fifteen stripes; and to giue him or them a passe to depart the Gou'ment and if any such pson or psons shalbee found without their passe; or not acteing according thervnto they shalbee punished againe as formerly; and incase any Constable of this Jurisdiction shalbee vnwilling or can not procure any to Inflict the punishment aforsaid; that then they shall bringe such psons to Plymouth to the vnder Marshall and hee shall Inflict it;

of pressing
messengers for
y^e countrey.

1658.

It is enacted by the Court and the Authoritie therof that incase there shalbee occasion to Employ a messenger in the Countreyes busines that it shalbee lawfull for any of the Majestrates; to presse any pson or psons to goe on the Countreyes occasions and to bee paid out of the Countreyes stocke.

1661.

all evidences
to bee kept on
file;

It is enacted by the Court that henceforth all evidences and Testimonies that shalbee produced for the clearing of any case shalbee giuen vnto the Court in writing and to bee kept vpon the file;

about woulues.

It is enacted by the Court that all woulues that shalbee kild by any English in any pte of this Jurisdiction they that kill them shalbee payed by the townes in whose precincts they are killed and such Indians as kill any woulues they shalbee satisfied by the Treasurer;

*96

1661.

about makeing
ffish att the
Cape;

*It is enacted by the Court that noe stranger or forraigner shall Improoue any of our lands att the Cape for the makeing of ffish without libertie from the Gou'ment and that all such as shall haue libertie shall attend such further orders as shalbee giuen them consarning the same and they shall pay six pence a kentle for all such ffish as shalbee made as aforsaid; for the Collonies vse ;

It is enacted by the Court and the Authoritie therof that all ordinary keepers or retaillers of strongewaters doe pay an excise of six pence a gallon for all such liquors as are made in the Collonie and drawne and retailed by them; and twelue pence a gallone for all such as they bring in or haue brought in vnto them from other ptes; which they shall draw forth and retaile as aforsaid and that all retaillers and ordinary keepers shall twice in the yeare viz: in the month of May and in the month of october giue in to the Treasurer or his assignes a true account of all such liquors as they bring in or shalbee brought in to them and retailed as aforsaid vpon the penaltie of paying a fine of fiue pounds for any that shalbee brought in; and not accounted for as aforsaid;

i662.
of excise vpon
liquors.

this is other-
wise ordered
June i664.

Wheras Complaint is made of some ordinary keepers that they doe allow psons to stay on the Lords daies drinking in their houses in the Intrimes of time betwixt the exercises especially young psons and such as stand not in need therof; It is enacted by the Court and the authoritie therof That noe ordinary keepers in this Gou'ment shall draw any wine or Liquors on the Lords day for any; except in case of Nessesitie for the releife of those that are sicke or faint or the like for their refreshing on the penaltie of paying a fine of ten shillinges for euery such default;

i662.
against draw-
ing liquors on
the Lord daye.

*Wheras there hath bine much controuersy occationed for want of a full and cleare settlment of matters relateing vnto such Whales as by Gods prouidence doe fall into any pte of this Jurisdiction;

*97

This Court doth therefore order for the preuension of any discontent or controuersy for the future and for a finall Issue and settlment (soe farr as in the Court lyeth) about the same; That for all such whales as by Gods Prouidence shalbee cast on shore in any pte of this Gou'ment or shalbee by any cutt vp att sea and brought on shore in the Gou'ment there shalbee for euery such ffish one full barrell of Marchantable oyle payed vnto the Countrey deliuered att Boston; by such townes or psons as are Interested in the lands where they fall or shall soe cutt vp any ffish att sea; and incase that any ffish bee soe considerably torne or wasted that a full quarter pte bee gone then to pay but halfe a barrell and for such Inconsiderable peeces of ffish as are lesse then halfe they shall pay Nothing; and for the resedew of such ffish or the produce of them as remaines; the Countreyes pte being discharged It shalbee freely att the dispose of such Townes wher it falls or for the benefitt of such as cutt them vp if taken on drift without such bounds as haue bine formerly sett the same being still continewed;

of whales.
i662.

the Countreys
due of euery
such whale
was altered
from a hogs-
hed to a bar-
rell the 14th of
June i670.

The Court proposeth it as a thinge they Judge would bee very comendable and beneficiall to the townes where Gods Prouidence shall cast any

more of
whales.
i662.

[PART III.] whales if they should agree to sett appart some pte of euery such fish or oyle for the Incurragement of an able Godly minnester amongst them ;

i661.
more of
whales.

It is enacted by the Court and the Authoritie therof That whosoever taketh any Whale on drift att sea without those bounds and limites alreddy sett and bring them on shore hee shall haue the one halfe and the Countrey the other halfe ; and the Countrey to allow Caske for their pte of the oyle ;

i661.
more of
whales.

It is enacted by the Court that whosoever shall find any whale on shore on the Cape or elsewhere that is out of any Townese bounds and is on the Countreyes bounds or limittes shall allow the Countrey two hogsheds of oyle cleare and payed to the Countrey ;

*98
i662.
the sale of
Kenebecke
Ratified.

*Whereas it is giuen forth that diuers are vnsatisfyed about the sale of Kenebecke and that oppertunitie is p'sented vnto vs for the haueing of it againe the deputies haueing considered of the p'mises ; and finding noe way p'senting it selfe by the takeing of it againe fore the better advantage of the Collonie haue with one consent agreed ; and doe expresse themselues heerby ; that they ; desire not to meddle with it againe but doe rattify the sale therof ;

i662.

It is ordered by the Court that the Treasurer shall procure a booke of the Statutes of England for the vse of the Collonie.

i662.

It is enacted by the Court that the generall Training shalbee one yeare att Duxburrow and another yeare att Yarmouth ; that is to say euery other yeare att one of those places for the future ;

fine for non
appeering att
generall train-
ing.
There is an
addition to this
order before
in this booke
see fines of
troopers.

[see page 223.]

i662.

It is enacted by the Court that if any one of the foot soldiers of any milletary Companie of this Jurisdiction shall vnnessesarily exempt himselfe from appeerance att the generall training att the times and places appointed except incase of sicknes lamenes Countrey busines or the like shalbee fined fiue shillings a day for euery day they shall neglect incase they can not giue a satisfactory reason therof vnto the milletary Comaunder in cheife.

It is enacted by the Court that the whole troop of horse both they and the volenteers aded to them shall haue the same libertie that was graunted to those that were the first troopers viz: to bee freed from foot seruice watching and warding and likewise their horses to bee rate free ;

*99
i662.
about Injuries
done to the
Indians by the
cattle of the
English.

*Whereas Notwithstanding all orders that haue bine made for the preventing of wronge done to the Indians by the horses and hoggs of the English ; It doth appeer that the Indians liueing in remote ptes from any Towneshippes doe sustaine much wronge by the horses and that the English

doe sustaine much damage in their particulars thereby; the Court haueing ^[PART III.] seriously considered thereof and finding some Inconueniency in coming to a generall order about the same haue thought good to propose it to the seuerall Townshippes of this Jurisdiction as a thinge much concerning them; that such Townshippes where such wronge is; doe speedily take some course within themselves about the same either by agreeing with the Indians to healep them to fence their Corne or by compounding with them to secure their Corne themselves where places are vncapable of fencing for want of stuffe or otherwise as shalbee found most suitable to their Condition to preuent future Inconueniencies that may come by their Neglect of the same.

Whereas the Court haue formerly provided against the prophanation of the Lords day by vnnesesary Travelling on that day; and alsoe haue provided against the setting vp of any publicke meeting without allowance of the Gou^r. <sup>and
advertisment
to obserue di-
uers orders.</sup> ment this court doth desire that the Transgression of these orders may bee carfully looked vnto if it may bee.

It is enacted by the Court that if any Indian or Indians shalbee found drunke in any Township of this Gou^rment that they bee fourthwith taken by the Constable of the towne and sett in the stockes and that if any ^{i663.} Liquors <sup>against In-
dians being
drunke.</sup> shalbee found with the Indians; that it bee forfeite to the vse of the Gou^rment; and that it shalbee lawfull for any man to seize any Indian found drunke or any liquors found with the Indians and bring him or it to the Constable to bee ordered and disposed of as aforesaid vnlesse any Indian shall make it appeer that hee hath such liquors according to order of Court; and the said Indians that shalbee sett in the stockes as abouesaid shall defray the charge thereof which is two shillings and six pence a time for euery of them;

It is enacted by the Court That euery Township of this Gou^rment shall ^{i658.} haue a booke of the lawes of the Collonie; and that they bee read oppenly once euery yeare;

In reference vnto such woulues as are or shalbee killd by the Indians the Collonie being out of stocke It is ordered by the Court that a pcell of <sup>June i663.
of payement
for woulues
killing.</sup> Wampam in the Treasurers Costody may bee deuided and put into the hands of Leiftenant Freeman Leift: Hunt and the Treasurer; for the paying of the Indians fifteen shillings p head; they bringing in the head when they demand their pay and these men to giue an account this time twelue month of what they shall disburse on this account and if any of them shall disburse more then the peage comitted to them; then they to bee repayed againe either by rate or otherwise.

[PART III.]

*100

1663.
an order con-
cerning the
settling of new
Plantations in
an orderly
way;

*It is enacted by the Court and the Authoritie therof concerning the settling of New Plantations in an orderly way that Notwithstanding the graunt of lands to any pticulare psons; incase such lands lye soe remote as the Inhabitants therof can not ordinarily frequent any place of publicke worship that then noe pson bee admited; after the date heerof to goe to Inhabite vpon any such lands without such a competent companie or number of Inhabitants as the Court shall Judge meet to begine a societie as may in a measure carry on thinges in a satisfactory way both to Ciuill and Religouse respects; and for the more comfortable carrying on therof; It is further ordered that such pson or psons as shall haue the graunt of such lands about such places and will neither att the p'sent liue on them themselues; nor sell nor lett them to others that would; that then such lands not yett Inhabited att the begining or progresse of such societies shalbee lyable to bee rated in some meet proportion towards the defraying of such Nessesary charges as shall arise either on Ciuill or Religious respects as abouesaid especially respecting an able godly minnistry in such place or places;

Alsoe for such places alreddy begun with an Inconsiderable Number viz: Saconcesett Accushenett &c That it bee comended vnto them to apply themselues in some effectuall way for the Increase of their number as they may carry on thinges to better satisfaction both in Ciuill and Religious respects especially that they endeauor to procure an able Godly man for the dispensing of Gods Word amongst them and for their quickening and Incurragement therein this Court doth order that all such lands as are within their respectiue places though not Inhabited shalbee lyable to bee rated in some measure of proportion for the defraying of such charges as shall nessesarily arise concerning the p'mises;

And for the quickening and Incurragement of the well affected in the Towne of Sandwich or any other plantation within this Gou'ment whoe shalbe actiue that way; This Court taking into their seriouse consideration the great need therof in euery plantation as to the propagation of the Gospell and flurrishing of religion; the great and knowne end of our Transplanting into these ptes of the world as alsoe of the graunt of competent quantities of lands to the respectiue plantations and; therfore according to their duties Incombent on them; doe heerby declare their reddines to assist such well affected as afforsaid by puting forth their power (where there shalbee need) for the raising of comfortable and competent maintainance for such able faithfull men as shall be procured in such Townshippes and make it their worke to attend vpon the minnistry of the Word of God amongst them from all such respectiue Inhabitants as shall Inhabite any such lands; according to such former order as by the Court is alreddy prouided in such case;

It is proposed by the Court vnto the seuerall Townshipes of this Jurisdiction as a thinge that they ought to take into theire serious consideration that some course may bee taken that in euery towne there may bee a Scool-master sett vp to traine vp children to reading and writing ;

[PART III.]

i663.

Septem: i664.

*Whereas the Clarke of each Milletary Companie of this Jurisdiction is required to gather in all fines which are or shalbee belonging to theire Companie It is enacted by the Court and the Authoritie therof; that incase any shall refuse to pay any such fines as are or shalbee orderly Amersed The said Clarke is heerby Authorised by destresse to leuy all such fines by vertue of his said office without any further order ;

*101

Septem: i664.

Whereas the Towne of Scittuate prefered a petition to this Court requesting that the Treasurers account may bee more pticularly sent to the seuerall Townships of this Jurisdiction ; The Court haue ordered that henceforth att euery election Court any of the Townes aforsaid may if they please to send any meet pson to Joyne with others to take the Treasurers account ; and soe to acquaint theire respectiue towns therwith in as pticular a manor as may bee ; which wee hope may satisfy ;

It is enacted by the Court that the Constable of each Towne in this Gou^r-ment shall gather in all fines that shall fall within his liberties not exceeding fve pound ; and to haue two shillings on the pound for gathering them ;

June.
i665.

It is enacted by the Court that all psons lyable to bee rated in euery towne of this Gou^rment bee rated according to theire visible estates and faculties that is according to theire faculties and psonall abillities whether they are in lands both meddow lands Improued lands or dormont lands appropriated or in cattle goods or stocke Employed in Trading in boates barques &c: mills or other vizible estate ; but for the Incurragement of trafficke ; that it bee ordered that barques Catches and bigger vessells may not bee rated aboue halfe theire vallue ; dormont lands both vpland and meddow such as lyeth without x x¹ to bee rated for euery hundred acres according to forty shillings estate ; and if any pson lay downe any pte of his propriety to the Comonage of the Companie theire associated together ; hee shalbee rated but for what quantitie hee keepes his propriety in ; and concerning stockes Employed in trading att home in and about the place where hee liues ; shalbee rated onely for two thirds of such stockes soe Improued as thuse one hundred and twenty pound stocke to bee Employed in trading shalbee rated for eighty pound and soe proportionable ;

i665.

Concerning
dormant lands
that the psons
bee rated in
such town-
shipes as the
psons that
owne them
Inhabites in.

[out of town-
shipes. — vol.
iv. 102.]

[PART III.]

*102

*Actes and orders made and concluded by the Generall Court of Majestrates and Deputies Assembled att Plymouth the eleventh day of October 1665.

1665.

Wheras in regard of the remote distance of our honored Gou^r his former habitation and being ; the Countrey saw reason to desire and request his remouall vnto the towne of Plymouth for the more convenient adminnestration of Justice ; and that by Gods Prouidence hee is now remoued to his great Inconveniency and detriment ;

This Court haue ordered and doe vnanimously agree to alow vnto him the sume of fifty pounds p^r annum soe long as hee shall remaine in the place of Gou^r :

And wheras hee is resedent in a place purchased by the Countrey for that end ;

This Court haue likewise ordered that incase hee shall decease att any time while hee is in the place of Gou^r and Inhabiteing the said seat or being ; that then his family shall and may without molestation continew in the said place or seat for the full tearme of one yeare after his decease att the least ; and likewise that incase there should bee any alteration that any other should bee chosen to the place of Gou^r whiles hee liueth that hee shall and may notwithstanding remaine in the said place without molestation for the full tearme of one yeare after such alteration att the least ;

This repealed
July 5 : (67.)
1665.

In reference vnto the more comfortable carying on of Gou^rment It is enacted by the Court that the Countrey proceeding on in their election of Assistants as formerly ; such of the old majestrates as shalbee chosen that they bee allowed each ten pounds a yeare and the charge of their Table defrayed soe many of them as shall serue in that place ;

And for such as shalbee chosen that haue not formerly serued that they bee allowed onely the charge of their Table ;

And incase any shalbee chosen and shall refuse to serue hee shalbee fined fve pounds to the vse of the Collonie ;

It is enacted by the Court that both that which is allowed for the charge of the Majestrates Table and likewise that which is allowed them by way of sallary shalbee Transferred into the costody of the Treasurer and that what is to bee for the charge of their Table it bee payed in specye according vnto former order concerning the same and wheras the sume of fve pounds therof was formerly to bee payed in money to the Treasurer as pte of the said pay ;

that this yeare the said fiue pounds bee payed in money to bee raised out of the oyle that shalbee due to the Countrey ; and the Treasurer to make vp the said fiue pounds vpon account in other pay in leiu therof vnto the Countrey ;

[PART III.]

It is enacted by the Court that in euery Towne of this Jurisdiction there bee three or fiue select men Chosen by the Townsmen out of the freemen such as shalbee approued by the Court for the better manageing of the affaires of the respectiue Townshippes ; and that the sellect men in euery Towne or the major pte of them are heerby Impowered to heare and determine all debts and differences arising between pson and pson ; within their respective Townshippes not exceeding forty shillings ; As alsoe they are heerby Impowered to heare and determine all Differences ariseing between any Indians and the English of their respective Townshippes about damage done in Corne by the Cowes swine or other beasts belonging to any Inhabitants of the said respectiue Townshippes and that the determinations of the abouesaid Differences not being satisfied as was agreed ; the pte wronged to repaire to some majestrate for a warrant to recouer such award by distraint ;

1665.

It is further enacted that the said select men in euery Townshipe approued by the Court ; or any of them shall haue power to giue forth sumons in his mat^{tes} name to require any psons complained of to Attend the hearing of the Case and to sumon witnesses to giue Testimony vpon that account and to determine of the Controuersyes according to legall euidence and that the psons Complaining shall serue the sumons themselues upon the psons complained against ; and incase of their none appeerance ; to proceed on notwithstanding in the hearing and determining of such controuersyes as comes before them ; and to haue twelue pence a peece for euery award they agree vpon ;

It is likewise enacted by the Court that such Indians as plant in any Township of this Jurisdiction that they shall secure their Corne by sufficient ffences from any damage that may come thervnto by the Cattle of the English amongst whom they dwell ; and for such Indians as shall plant on their owne land out of the bounds of any Township That the English are either to heelp them in fencing their Corne or to satisfy for such damage as shalbee done vnto them by their cattle or beasts therein ;

1665.

*It is enacted by the Court and the Authoritie therof ; That all matters of misdemeniors that the majestrates shall take cognizance of without p^rsentment by the Grand enquest ; they haue full power to proceed and determine therein by fine or otherwise as the nature of the offence may require as if p^rsented ;

*103

1665.

[PART III.]

1665.

In asmuch as noe house of Correction is yett prouided in this Gou^rment to receiue and punish such as not onely liue Idlely and vnprofitably but are otherwise vicious and wicked in their carriage towards their parents or otherwise ;

It is enacted by the Court That any two maiestrates of this Jurisdiction haueing examined the case shall haue power to Centance such offenders to bee punished by stocking or whipping according to the nature of the offence ;

1665.

It is enacted by the Court that such as shalbee sentenced by the Court to pay any fine to the Countrey shall giue sufficient securitie vnto the Treasurer for the same before hee depart the Court and incase hee refuse shalbee comited vntill hee soe doe ;

1665.

It is enacted by the Court that any pson that shalbee supenaed to appeer att the Court as a witnes in a case shalbee payed two shillings and sixpence a day ;

1665.

It is enacted by the Court that a Constable bee allowed twelue pence for the serueing of a summons ; and two shillings and six pence for an attachment ;

1665.

Wheras complaint is made vnto the Court of great abuse in sundry townes of this Jurisdiction by psons their behauing themselves prophanly by being without dores att the meeting house on the Lords daies in time of exercise and there misdemening themselves by Jestng sleeping or the like It is enacted by the Court and heerby ordered that the Constables of each Township of this Jurisdiction shall in their respective townes ; take speciall notice of such psons and to admonish them ; and if notwithstanding they shall psist on in such practices that hee shall sett them in the stockes and incase this will not reclaime them that they returne their names to the Court ;

1665.

It is enacted by the Court that what Comissions haue bine formerly graunted by the Court to any to Purchase land for the Countrey bearing date aboue twelue monthes from this p^rsent Court ; bee called in and bee of none effect as to future Improuement ;

1665.

It is enacted by the Court That in euery Township within this Gou^rment there bee two sufficient woulfe trapps made betwixt this date and the first of march next and to bee constantly baited and dayly attended vpon the penaltie of fve pounds on each Townshipp as are neglegent and defectiue therin to bee payed to the Collonie ;

1665.

It is enacted by the Court that noe master of a family shall make or cause to bee made within this Gou^rment aboue the number of sixteen barrells

of Tarr for this following yeare vnder the penaltie of three shillings p barrell forfeite to the Collonie; and euery single pson is heerby prohibited from makeing any Tarr directly or Indirectly for this following yeare vnder the aforsaid penaltie; and this order to take place from the first of march next ensueing the date heerof

[PART III.]

The order prohibiting the selling of Powder and shott to the Indians is repealed;

i665.

*fforasmuch as That notwithstanding all former orders against abuse by stronge liquors; there is great quantities brought in; To the great prejudice of the Gou^rment

*104

It is by this Court further enacted as an addition to former orders respecting Liquors That all strongwaters that are brought into this Collonie by priuate psons or for their vse shalbee excised as well as what is drawne in publicke houses; and for the Incurragement of such men as in each Township are or shalbee appointed to serch or enquire after abuse or breach of order respecting liquors the Court doth allow vnto them the one halfe of all such forfeitures and confiscations as shall arise in that towne by any breach of order respecting the same and the like allowance shalbee made to any other that shall discouer such abuse; and that they may more carefully attend their charge the Court doth require them to take oath to bee faithfull and carefull respecting the p^rmises.

i665.

Wheras it is prohibited for any to sell trad or giue liquors directly or Indirectly to the Indians the Court conceiuing that if any Indian or Indians haue any; that they must haue it in some eregular way;

This Court therfore orders That if any man either English or Indian shall find any Indian or Indians haueing or carrying any liquors It shalbee lawfull for him to apprehend the said Indian or Indians and seize on the said liquors as stollen goods vntill the said Indian or Indians make it Justly appeer before some Majestrate or the select men of that Township of whom and wher and how they had the same and for their paines that any expend in the p^rmises they shalbee allowed the one halfe of the said liquors soe apprehended or the vallue of it;

i665.

*Actes and orders made and concluded the seauenth of June Ann^o Dofm i666.

*105

IT is enacted by the Court and the authoritie therof That the warrants bee Issued out yearly from the June Courts for the bringing in of the rates for publicke charges of the Countrey; and the seuerall sumes to bee deliuered to the Treasurer or att Boston or att Plymouth as hee shall appoint;

i666.

[PART III.] by the first weeke of Nouember and the Constables to haue the receiptes by the foremencioned time ; and each Constable is heerby Impowered to presse boates or Cartes with oxen or horses ; and the boates Cartes oxen and horses to bee payed for fraighting and carriage according to the ordinary prise for carrying goods or corne vpon other occations for theire naighbours and for the kinds of pay to accomplish this designe for the Countreyes occations the one third pte is to bee in wheate or porke or both one other third pte in barley or butter or both and the other third pte in beife Indian Corne pease or rye or any of these or some pte in Tarr prouided it exceed not a third pte of the last third ;

It is enacted by the Court and the Authority therof That all debtes shalbee payed in the specye for which a man doth agree and that all damages which shall arise according to the Judgment of the Court vpon occations of debt defamation or Treaspas shalbee payed in any good currant Countrey pay att prise Current.

It is enacted by the Court and the authorite therof that henceforth nothinge bee entered vpon the Record of the Court respecting lands in reference to exchanges morgages leases or other conveyances but such as shalbee vnder hand and seale before witnesses and that all such deeds bee exhibited to a maiestrate according to order and that the said Maiestrate endorse thereon and the same alsoe to bee entered and noe other.

It is enacted by the Court and the Authoritie therof That all sales g[ifts] exchanges leases morgages or other conveyances whatsoever of any houses or lands heerafter made or to bee made which shall not be acknowledged within six monthes after the makeing therof before the Gou^r or some one of the Assistants shalbee accounted null and void in law ; except such lands as by the Will or Testament of any man disposed which may not haue convenient oppertunitie of acknowledgiment therof before a Maiestrate.

It is enacted by the Court and the Authoritie therof that there shalbee but three Courts in the yeare for the tryall of causes by Jury (viz) The first Tusday in march the first Tusday in July and the last Tusday in october Annually ; alwaies prouided it shalbee lawfull on speciall occations which shalbe judged of by the Gou^r and two of the Assistants for any either of our owne Collonie or others to purchase a Court in the Interems of time betwixt the said Courtes ; and that there shalbee att euery such Court the Gou^r and three of the maiestrates att the least and that henceforth there shalbee noe Courtes of Assistants except the Gou^r on speciall occasion shall see reason to

summon such a Court ; and it is further enacted by the Court that all tryalls vnder forty shillings shalbee tryed by the select men ; and that none vnder forty shillings shalbee tryed att the aforesaid Courtes except in cases of appeale from any of the Respectiue Townes ;

[PART III.]

It is enacted by the Court and the Authoritie therof That one or two of the select men whom the Court shall appoint in each Township of this Jurisdiction bee heerby Impowered to adminnester an oath in all cases comitted to them as alsoe to graunt an execution for such psons as neglect or refuse to pay theire Just dues according to the verdicte of the said psons ; and that the said select men in euery Towne ; bee vnder oath for the true pformance of theire office ; and if any pson finds himselfe agreiued with the verdict of the said select men ; Then they haue theire liberty to apeale to the next Court of his Ma^{ty} holden att Plymouth provided that forthwith they put in Ceuritie to prosecute the apeale to effect and alsoe enter the grounds of theire apeale ; and incase any Towne doe neglect to chose and p^rsent such yearly vnto the Courts of election ; That euery such Towne shalbee lyable to pay a fine of fve pounds to the Countreyes vse ;

1658.

*The oath of a Celect man.

*106

You shall according to the measure of wisdom and descretion God hath giuen you faithfully and Impartially try all such cases between pty and pty brought before you ; as alsoe giue sumons respecting youer trust according to order of the Court as a Celect man of the Towne of for this p^rsent yeare soe healp &c.

It is enacted by the Court ;

That the Celect men in euery Township of this Gou^rment shall take notice of all such psons That are or shall come into any of the Townshipes without the approbation of the Gou^r and two of the Assistants according to order of the Court and the said Celect men shall warne the said psons to aply themselues for approbation according to order ; which if they shall refuse or neglect ; the said Celect men are heerby Impowered to require the pson or psons to appeer att the next court to bee holden att Plymouth and to require Ceuritie for theire appeerance which if any refuse to doe the said Celect men shall enforme the Constable of the Towne where hee liueth which said Constable shall forth with carry the said pson or psons before the Gou^r or some one of the Assistants of this Gou^rment ;

Whereas the Court takes notice of great neglect of frequenting the publicke worship of God vpon the Lords day ; it is enacted by the Court and the

[PART III.] authoritie therof That the Celect men in each Townshipe of this Gou'ment shall take notice of such in their Townships as neglect through prophannes and slothfulnes to come to the publicke worship of God ; and shall require an account of them ; and if they giue them not satisfaction that then they returne their names to the Court

It is enacted by the Court that henceforth the Majestrates bee not freed from Countrey rates or charges ;

It is enacted by the Court that henceforth noe pson or psons within this Gou'ment shall still any Strongwaters without lycence on the forfeiture of such stronge liquors or the vallue of them ;

It is enacted by the Court That noe horse or horse kind shalbee driuen or carryed out of any Township of this Gou'ment by any pson or psons that are not of the said towne without the consent of the owner therof vnder the penaltie of fve pounds for euery such horse beast ;

Wheras complaint is made of the Indians their stealing of the hoggs of the English and makeing sale of them and concealing of them by cuting of their eares &c: It is enacted by the Court and the authoritie therof That henceforth noe Indian shall giue any eare marke to his swine vpon the penalty of the forfeiture of such swine the one halfe to him that shall seize on them ; and the other halfe to the Countrey except hee bringe true Testimony where hee had such swine soe marked before a majestrate or the Celect men ; and that the Indians haue due notice heerof ; and this order to take place from october next ;

Since renewed
again and re-
vived the 2nd
of July 1667.

Memorandum that the Receiuers of the excise in each Township of this Gou'ment are freed from their office by the Court and that the Treasurer hath liberty to lett it forth in the behalfe of the Countrey

*107
1667.

*Att the 2^{cond} session of the Generall Court holden att Plymouth the 2^{cond} of July 1667

IT was enacted by the Court That noe pson or psons shall sell any Cyder To any Indian vnder the penaltie of ten shillings for euery such default ; Ordinary keepers excepted for the moderate refreshment of Trauellers ; and that none be allowed to sell any Cyder by retaile to any English without Lycence on the same penaltie as in like case of selling liquors is prouided and that none allow any psons to spend their time by tippeling of Cyder Liquors &c: in their houses: and That incase any Cyder be found in the Custody of any Indians It shalbe lawfull for any man to take it away from them ;

It is enacted by the Court That fifty pounds yearly be allowed to such assistants as shall for the future be chosen and serve in that place and the charge of their Table be defrayed; [PART III.]

In reference to military concerns It is enacted by the Court that no single persons under twenty years of age either children or servants shall vote as to that account or any that are not settled Inhabitants of that place and have taken the oath of fidelity.

It is enacted by the Court that such as commit fornication or common drunkards that no fine be received from them for their fact until they have been convicted thereof before the Court unless some unavoidable Impediment shall hinder their appearance thereto.

It is enacted by the Court That the Townsmen or particular persons whose horses or any cattle do trespass upon the Indians upon their own lands out of Townships by spoiling their Corn; shall agree with them for the preservation thereof or to help them to fence; and in case they shall neglect so to do; they shall pay the full damage that shall come by their Cattle so trespassing.

It is enacted by the Court That whosoever are or shall be chosen to be surveyors of the highways shall at the expiration of the year give an account of their doings about the highways to the select men of that Towne.

It is enacted by the Court That such Constables which do or shall neglect to bring in the rates according to times appointed That whatsoever damage shall be sustained thereby shall be paid and made good by such Constable or Constables.

It is enacted by the Court that the Indians be prohibited to make any use of any horses neat cattle or hogs appertaining to the English which may be wounded or otherwise killed by any accident until they have liberty from the owners of such cattle so to do.

The order prohibiting selling of powder and shot to the Indians revived and established. This againe repealed July 1669.

It is enacted by the Court That in case any Indian or Indians shall be found to have any powder or shott Armes or Liquors and will or doth affirm that they had it of this or That person of the English; if the said person shall upon his oath Testify and affirm That hee or shee hath not sold given or helped the said Indian or Indians unto the said powder or shott or Liquors they shall be accounted to be free and cleare of the said fact or otherwise to

[PART III.] be rendered giulty and to be procecuted accordingly; and this tryall to be before either a majestrate or one of the Celect men of the Towne appointed to giue an oath;

*108
1667.

*It is enacted by the Court That henceforth noe more lands be graunted to psons without the pticulare Townshipes for the tearme of seauen yeares;

It is enacted by the Court that in such Townshipes where occation ariseth for the destressing vpon the estates of any for the minnester such estate soe distressed shall by the Constable of That Towne be deliuered to such of the Towne as shalbe appointed and in defect therof to such as by two majestrates shalbe ordered to receiue it and to dispose of it as they shall see cause;

It is enacted by the Court That the lands which are not as yett bounded betwixt the English and the Indians may be bounded and mutually agreed on by both p'ties;

It was concluded by the Court that a proposition shalbe made from the Court to the seuerall Townshipes of this Jurisdiction in reference to a Collection or Contribution to be made towards the defraying of the charge of the printing of the history of Gods dispensations towards **N E**: in Generall in speciall towards this Collonie;

[Acts and orders made and concluded by the Generall Court held at Plymouth the third day of June 1668]

*109
1668.
Repealed June
sixt 1669.

***I**T is enacted by the Court and the authoritie therof that noe knotts be henceforth gathered by any either English or Indians To make Tarr of them; And that noe Tarr be made by any either English or Indian within this Gou'ment from the sixteenth day of July next; on the penaltie of the forfeiture of all such knots or Tarr the one halfe therof to the Informer and the other halfe to the vse of the Collonie.

Wheras great Complaint is made of great abuse by reason of ffishermen that are strangers who ffishing on some of the ffishing ground on our Coast in Catches dresing and splitting theire ffish aboard through theire Garbidg ouerboard to the great anoyance of ffish which hath and may proue greatly detrementall to the Countrey; It is ordered by the Court that something be directed from this Court to the Court of the Massachusetts to request them to take some effectuall course for the restraint of such abuse as much as may bee;

It is ordered by the Court that there shalbe a Generall Training of both horse and foot att the Towne of Plymouth in the second weeke of october

1669 and once in three years for the future the places to be at Plymouth [PART III.]
 Taunton and Yarmouth successively that is to say this first at Plymouth as
 aforesaid the second at Taunton and the third at Yarmouth at the time of
 the year above mentioned and that every ^{German} ~~souldier~~ be provided with ^{two pound of} powder
 against the time appointed to be Improved in the said expeditions and exer-
 cises at ~~his owne charge~~; the Townes Charge.

An acte for the preuention of the diuersion of the execution of Justice
 by fraud or couen ;

That where an estate can not be found to satisfy any fine or mult due
 vnto the Countrey or to answere a Judgment obtained against any psons at
 the pticulare suite of any ; The pson of any soe fined or cast in law shalbe
 secured to be responsible thervnto.

It is ordered by the Court and the authoritie thereof That noe pson
 neither Inhabitant of this Jurisdiction nor any other shall at any time either
 by vertue of libertie from the Court to purchase lands of the Indians or vpon
 any pretence whatsoever shalbe suffered to buy or receiue (in any way of the
 Indians) any of those lands that appertaine vnto mount hope or Cawsumsett
 necke or any other such neckes or tracts of land as there is a body of Indians
 vpon ; and the Court shall judge they can not liue without ;

It is enacted by the Court That all the Kinges highwaies within this
 Gou^rment shalbe forty foot in breadth at the least ;

In reference vnto the proposition made to the Court concerning the
 making of prouision for the Securing of such lands as are held by doubtfull
 title It is refered and heerby p^rsented to the seriouse consideration of the
 seuerall Townes of this Jurisdiction to send in their Judgments and propos-
 als concerning the same vnto the next Court of election.

It is ordered by the Court That wheras the recognizance for the good
 behauior the fees thereof was formerly four shillings the takeing and foure
 shillings the releasing ; That henceforth it shalbe two shillings and sixpence
 the takeing and two shillings and sixpence releasing.

*It is enacted by the Court ; That libertie is heerby graunted to the Eng- *110
 lish in this Gou^rment to Sell horses to the Indians ; provided euery horse soe June 2nd.
 sold be brought to the Towne Clarke of that Towne where hee is sold and
 ten shillings in mony and deliuer it to the said Clarke for the Collonies vse
 whoe shall record his marke or markes ; and haue twelue pence of the said

[PART III.] mony for his paines ; and Incase any shall sell any horses to the Indians and Neglect soe to doe ; hee shall forfeit euery such horse or the vallue therof to the Collonies vse ;

It is further enacted by the Court That noe pson within this Gou'ment shall sell or giue any mare to the Indians on the penaltie of the forfeiture of euery such mare or the vallue therof to the vse of the Collonie ; and that noe Indian shalbe suffered to keep any mare in this Collonie on like penaltie of the forfeiture of euery such mare or the vallue therof to the Collonies vse ;

1669.
July sixt.

It is enacted by the Court and the Authoritie therof ; That none shall sell wine liquors Cyder or beer by retaile in this Collonie except they haue a Lycence: and to pay for their lycence according to the Capasitie of the place where they liue ;

the one halfe of these sumes to be payed in Mony.	viz: Plymouth -	-	-	-	-	-	-	-	-	10. 00. 00
	That is to say James Cole seni ^r	-	-	-	-	-	-	-	-	08. 00. 00
	Thomas Lettice	-	-	-	-	-	-	-	-	02. 00. 00
	Duxburrow	-	-	-	-	-	-	-	-	01. 10. 00
	Scittuate	-	-	-	-	-	-	-	-	02. 10. 00
	Sandwich The Treasurer hath agreed with Willam Swift									
	Taunton	-	-	-	-	-	-	-	-	02. 00. 00
	Barnstable	-	-	-	-	-	-	-	-	02. 00. 00
	Yarmouth	-	-	-	-	-	-	-	-	01. 10. 00
	Bridgwater	-	-	-	-	-	-	-	-	01. 00. 00
	Rehoboth	-	-	-	-	-	-	-	-	01. 10. 00

Morouer it is enacted by the Court that all such Lycenced ordinaries shall not suffer prophane singing daunceing or reuelling in their houses on the penaltie of ten shillings for euery default and that all ordinary keepers be ordered to keep good beer in their houses to sell by retaile and that some one in euery towne be appointed to see that the beer they sell be suitable to the prise they sell it for ;

Repealed June
11th 1670.

It is enacted by the Court and the authoritie therof That noe barke nor board shalbe transported out of this Collonie nor noe kind of Timber except it be wrought vp in vessells or Caske on penaltie of forfeiting of all the same or the vallue therof ; to the vse of the Collonie ;

Repealed June
11th 1670.

It is enacted by the Court that noe boards shalbe brought into this Collonie and that noe boards shalbe sold in this Jurisdiction to exceed in prise fve and forty shillings a thousand deliuered att the watersyde in the Townshipp where they are sawen on the penaltie of paying a fine of ten shillings

[PART III.]

It is enacted by the Court that a Cercomstantiall error in a Summons or warrant shall not be taken as a sufficient ground for a nonsuite wher otherwise both the ptie and case concerned therin may be rationally vnderstood ;

Concerning the order about the next Generall training the latter pte of the order to run thuse ; and that euery ferman be prouided with two pound of powder against the time appointed to be Improued in the said expedition and exercises att the Townes charge.

*113

*It is enacted by the Court that henceforth noe pson shall haue libertie to bring any Liquors into this Gou'ment for themselues or others to giue or sell but such as are Lycenced ; more then for their owne pticular vse ; which shall not exceed six gallons in the yeare and each mans that is soe brought in shalbe distinct in vessells one from another and incase any doe it shalbe forfeite or the vallue therof one third to the Countrey and one third to the Informer and one third to those that are lycensed to sell ; but if it appeer that any man of quallitie whose condition calleth for further expence in his family that then this law shall not reach them ; onely this is to be vnderstood that vnder pretence of this hee shall not giue or sell to be carryed abroad except it bee soe that the ordinary keepers haue none to supply the nessesities of them that are sicke ;

This order re-
pealed June
1670.

It is enacted by the Court that wheras minnestres maintainance is to be raised by rate according to order of Court bearing date i657 which vpon neglect is to be taken by distresse as by the said order doth appeer ; yett for preuenting off' offence (and if it may be of destresse) This Court doth order ; That the Majestrate in each Towne where there is any ; and the Celect men or any one of them where there is noe Majestrate ; be heerby Impowered vpon notice of default heerin ; To Summon euery such pson or psons ; to the next Court to answare the said Neglect ; and incase such pson or psons doe not make out Just cause for such neglect they shalbe amerced double the sume proportioned to him or them to the Collonies vse to be disposed of by the Court ;

It is enacted by the Court that the Constable or his deputie in each respectiue Towne of this Gou'ment shall dillegently looke after such as sleep or play about the meeting house in times of the publicke worship of God on the Lords day and take notice of their names and returne such of them to the Court whoe doe not after warning giuen to them reforme ;

As alsoe that vnnesesary violent ryding on the Lords day ; the psons that soe offend ; their names to be returned to the next Court after the said offence ;

It is enacted by the Court That any pson or psons that shalbe found

smoaking of Tobacco on the Lords day ; goeing too or coming from the meetinges within two miles of the meeting house shall pay twelue pence for euery such default to the Collonies vse ;

[PART II.]

It is enacted by the Court that none shall suffer to goe att large to ffeed in any Commons within this Gou^rment any stoned horse being aboue two yeares old ; and not thirteen hands high att least from the lower pte of the hoofe to the vper pte of the whither ; euery hand containing four inches standard measure ; in paine to forfeite the same horse or the vallue therof the one halfe to the Country and the other halfe to him or them which shall seize such horse of lower stature ; soe that first by the assistance of the Constable or Celect men of Any township where such seizure is made or seizior dwelleth ; such horse being by the seizor first brought to the next pound, shall there by such an officer in the p^rsence of three sufficient men be measured and found lower then the stature aboue mentioned ; this order to take place from and after the first of October i670.

The orders prohibiting the selling of powder and shott and mony to the Indians are repealed ;

*ffor quieting mens estates and avoiding suites in Law

July 10th
i669.
*115

It is enacted by the Court and the authoritie therof ; That noe pson or psons haueing had for the space or tearme of ten yeare fully past and expired any right or titles of enterey into or cause of action for any lands teniments or hereditiments whatsoeuer now detained from him or them shall therinto enter or comence suite for but within fve yeares next after the end of this p^rsent session of Court and att noe time after ;

And that none shall att any time heerafter make any entery into or comence suite for any lands teniments or hereditiments but within fifteen yeares next after his or theire right title or cause of action or suite which shall heerafter first descend fall or acrow to the same: otherwise such title shalbe for euer after barred and the pty claiming and his and theire heires vtterly excluded from entery into the same ; Prouided Neuerthelesse that if any pson or psons which hath or shall haue such right title or cause of action be or shalbe att the time of the said right title or cause of action first descended acrowed come of¹ fallen within the age of twenty one ycares feme Couert non compos Mentis Imprisoned or beyond the seas then such pson or psons his or theire heires shall or may notwithstanding the said fifteen yeares expired ; bring his action or make his entery att any time within fve yeares next after his or theire full age discouerture coming of sound

[1 or]

[PART III.] mind Inlargment out of prison or coming into this Countrey ; take benifitt of and sue forth the same and att noe time after the said fve yeares ;

It is further enacted by the Court that such pson or psons as haue had right or title vnto or cause of action for any lands teniments or heridittiments hetherto detained from him or them for the space or tearme of twenty yeares fully past and compleat and neglected hitherto to make his or their entery or to comence suite for the same or haueing had such right title or cause of action for the space or full tearme of eighteen yeares now past and shall neglect to make such entery into or suite for within the space or full tearme of two yeares next after the end of this p'sent session of Court shall in either of these cases be for euer barred excluded and vtterly disabled from such entery or suite to be made excepting as in the abouesaid prouiso according as by the statute of England made Ann^o 21 Jacobi Regis Capt: 16 Instituted an acte for limitation of actions and avoiding suites in law as in such case prouided ; It haueing bine the vsuall manor and costome of this Court to haue recourse as much as might be to the Lawes of England in such case wherin there is noe other law prouided by this Court more suitable to our Condition ;

*117
1670.
June.

[Juneth 8: 1670] .

*This being aded to a former order of Court bearing date June 1657 is determined to be the way for raiseing minnesters Maintainance ; and all other orders respecting the same are heerby repealed ;

Ministers
salary.

fforasmuch as it appeereth to be greatly Inconvenient that the minnesters should be troubled to gather in the rates for their maintainance ; and may be an occation to prejudice some psons against them or their minnistry ; It is enacted by the Court that att June Courts yearly two meet psons in each Towne be appointed by the said Court vnlesse the townes haue alreddy prouided ; whoe shall take care for the gathering in of their minnesters maintainance for that yeare by Inciting of the people to their duty in that respect demaunding it when due and if need be by procuring distraint vpon the estate of any that shall neglect or refuse to pay their rates or proportions towards his support according to order of Court in that case prouided ; and incase any minnester shall Scruple to receiue what is soe raised ; It shall Neuertheles be gathered as abouesaid and be disposed as the Court shall order or advise for the good of the place.

Wheras It hath bine and is the pious care and true intent of this Court that all such plantations and Townshipes as are by them Graunted should maintaine the publicke sabbath Worship of God and the preaching of the

word and doe to that end affoord them such proportions of lands as may accomodate such a society as may be able to maintaine the same ; and yett through the corruption or sinfull neglect of many or most of the Inhabitants of some plantations they content themselues to liue without the minnistry of the word to the great dishonor of God and danger of their soules ; there being great reason to feare that many may be acted therein by worldly & couetuous principles ; It is by this Court enacted that in such Townships where noe Minnister is resident ; especially if it appeers that the generallyty of the Inhabitants are remise in the obtaining of one the generall Court may and shall henceforth Yearly Impose a certaine sume to be raised by rate vpon the Inhabitants of such plantations or Townships which shalbe kept as a stocke for building of a meeting house or for Incouragement of a minnister to labour amongst them or other such pious vses as the Court may Improue it in for their good ;

[PART III.]

June.
1670.

And in reference to the Towne of Dartmouth that the sume of fifteen pounds be leuied by rate with the Countrey rates vpon all the Inhabitants to be in a reddines for and towards the vses aboue expressed ;

It is enacted by the Court That whosoever being chosen by any Towne of this Jurisdiction to serue as a Celect man in the said Towne and shall refuse to serue in that place shall pay the sume of twenty shillings the one halfe to the Towne and the other halfe to the vse of the Collonie ; and that the Gou^r shall chose another to serue in his stead.

It is enacted by the Court That there shalbe noe attachment graunted by the Celect men against any freeman or settled Inhabitant and that there shalbe three Courts of the Celect men in the yeare: viz: in the month of february in the month of May and in the month of October ; and noe other except the Celect men shall see cause ;

It is enacted by the Court that incase of Appeale the appealant shall summons the defendant to answere att that Court to which hee appeals and shall produce all the Testimonies that were made vse of att the first Tryall of the case vnder the hand of the Celect men or any one of them from whence the appeale comes and noe new Testimony to be admitted ; and the case to be tryed by Jury and if the appeallant be againe cast ; to pay double damages and all costes and that any one of the Majestrates of this Jurisdiction shall graunt a precept for such an appeale as occation may require ;

Wheras a former order respecting the Issueing of differences between English and Indians seemes dubiouse this Court doth determine That all In-

[PART III.] } juries complained of arisinge between English and Indians shalbe brought to Issue by the Celect men in each Townshipe before whom any complaint shall legally appeer ; except onely in capitall matters and titles of lands ;

['further] ffor the ¹ prevention of the prophanation of the Lords day It is enacted by the Court and the authoritie therof That the Celect men of the seuerall Townes of this Jurisdiction or any one of them may or shall as there may be occation take with him the Counstable or his deputie and repaire to any house or place where they may suspect that any slothfully doe lurke att hom or gett together in companies to neglect the publicke worship of God or prophane the Lords day and finding any such disorder shall returne the names of the psons to the next Court and giue notice alsoe of any pticulare miscarriage that they haue taken notice of that it may be enquired into ;

*118 *Wheras the Prouidence of God hath made Cape Cod comodious for vs
1670. for ffishing with saines ; and some careles psons haue anoyed the same by
June. casting theire ballast neare the shore where such conveniency is ; or by leaueing the Garbidge of ffish or dead ffish to lye there roting wherby such anoyance is ; This Court doth therfore order that whosoever shall treaspas in any of the said kinds of Annoyance shall pay the sume of forty shillings to the Collonies vse for euery such default vnto the pson that the Court doth appoint to looke after the same ; alsoe this Court doth further order that whosoever of our Inhabitants that draw Mackerell on shore there ; shall pay to the Collonies vse sixpence p barrell for euery barrell soe taken or the quantity that may amount to a barrell ; and for euery barrell or the quantitie therof soe taken by any fforaigners in the aforsaid place shalbe payed one shilling and sixpence to the Collonies vse by the pson or psons that soe ffish there and att the begining of any voyage attempted there ; the pson or psons soe doing shall att the enterance on the voyage put in sufficient Ceuritie vnto the pson appointed by the Court vnder this trust for the payment of the aforsaid sume or sumes ;

Thomas Paine is appointed by this Court and impowered as a bayley by land and water to demaund and receiue for the Collonies vse the aboue mentioned sumes as they may att any time become due or payable ; and to take such Ceuritie for their p^rformance as abouesaid ; and is heerby Impowered to comaund such aide as hee att any time shall Judge requisite respecting the p^rmises.

Wheras wee haue formerly seen Great Inconvenience of taking Makerell att vnseasonable times wherby there encrease is greatly deminished and that it hath bine proposed to the Court of the Massachusetts that some course

might be taken for preventing the same and that they haue lately drawne vp an order about the same this Court doth enacte and order that henceforth no makerell shalbe caught except for spending while fresh before the first of July Annually on penaltie of the losse of the same the one halfe to the Informer and the other halfe to the vse of the Collonie; and this order to take place from the 20th of this Instant June;

[PART III.]

It is enacted by the Court that whosoever haueing comitted vncleanes in another Collonie and shall come hither and haue not satisfied the law where the fact was comitted they shalbe sent backe or heer punished according to the Nature of the crime as if the acte had bine heer done;

It is enacted by the Court That wheras diuers psons seeke to evade the payment of ten shillings for euery horse that is sold to the Indians that none shall giue lend or hier any horse to any Indian or Indians on the penaltie of paying a fine of ten shillings to the Collonies vse.

It is enacted by the Court That one witnes shalbe sufficient for the Grand enquest to ground a p'sentment on but the ptie not to be condemned without a second witnes or concurring cercomstances And that incase any shall publish any matter of a Scandalous nature except vnto a maiestrate or grandjuryman; It shalbe accoumpted a defamation actionable;

And That in all matters p'sentable except Capitall noe evidence shalbe receiued either by a Maiestrate or grandjuryman from any pson or psons whoe hath or shall neglect to giue in such euidence within one full yeare and a day after his or her knowlidge therof.

Wheras diuers psons haue complained of great wrong for the want of a packer in theire Townshipe this Court hath ordered and enacted That whatsoever Towne in this Gou^rment shall see cause to desire a packer to repacke meat they may p'sent a fitt pson to the Court or to some one of the Majestrates of this Jurisdiction to be Sworne;

*It is enacted by the Court and the authoritie therof That it shalbe lawfull on speciall occation which shalbe judged on by the Gou^r and two of the Assistants for any either of our owne Collonie or others to purchase a Court in the Interems of time betwixt the other Courts and that there shalbe att euery such Court the Gou^r and three of the Assistants att the least; and that any that shall purchase such a Court shall pay the Jury men each three shillings a day for soe long a time as they shall attend that service and beare all other nessesary charges of that Court;

*119
1670.
June.

[PART III.]

It was att this Court voated and generally agreed on by the Court ; that our Confeaderation with two Collonies: viz: Massachusetts and Conecticott shall stand and remaine as It did formerly with three ;

It is enacted by the Court and the authoritie therof that a Comittee be chosen to puse all our lawes ; and to gather vp from them or any other healpes they can gett and compose therfrom a body of Lawes ; and p'sent the same to the next election Court for a further settlement therof and the charge therof to be bourne and defrayed by the Treasurer

The Comittee appointed by the court were ^{the Gou^r} The Major ^{and Mr. Walley heelp} } and Mr. Hinckley } to be requested
and if any of the deputies or others shall propose any thinge to this Comittee for their consideration when they meet together it shalbe well accepted ;

Wheras seuerall psons haue bine greatly Indangered by seting of Guns It is enacted by the Court and the authoritie therof that none shall sett any Guns except in Inclosures and that the gun be sufficiently enclosed soe as it be Cecure from hurting man or beast and that hee that seteth the gun doe giue warning or notice therof to all the Naighbours on the penaltie of paying a fine of five pounds to the vse of the Collonie for euery default ;

It is enacted by the Court that if there be any psons that will buy all the Tarr that shalbe made within this Collonie and will pay eight shillings a barrell for itt in mony ; and for euery halfe hogshed twelue shillings for it in mony ; they shall haue it soe ; for the tearme of two yeares from the date heerof ; and to receiue it att a place appointed in euery Township and it is further enacted by the Court that if any others except those that soe engage to buy all the Tarr shall carry or cause any to be carryed out of the Collonie within the afsaid tearme of two yeares they shall forfeite either the Tarr or the vallue therof ; the one halfe to the Collonie and the other halfe to those that are engaged to buy all the said Tarr.

Repealed June
9th 1671.

*120

*fforasmuch as seuerall Townes in this Collonie are alreddy much Straightened for building timber and through Gods prouidence some other townes are well accomodated to afford them a supply that townes soe straightened be not nessessitated to fech their supplies from another Jurisdiction ; whilst wee haue of our owne ;

June 1672.

Be it Inacted by this Court and the Authoritie therof That noe timber of any sort may or shall within the tearme of seauen yeares next after the first of Nouember next ensueing ; be att any time transported or carryed away by land or water out of any Township in this Jurisdiction into any other

Jurisdiction ; other then what is first sawne into boards or wrought into Shingle or wrought vp into Caske boates barques or other vessells of burden ; on the forfeite of all such timber plancke Cooper stuffe bolts Claboard £3 or the vallue therof ; the one halfe to the Countrey and the other halfe to the Informer if duely proued within twelue months after such Transportation made ; and that some meet pson be appointed and authorised by the Court in such Townes as they shall see cause for to take care for the due obseruation of this order ; and that noe master of any boate or other vessell presume to receiue aboard any such timber plancke or Cooper stuffe £3 without first repaireing to such pson appointed and Impowered as aforsaid and giueing in sufficient Ceuritie for his vnloading and leaueing such timber £3 in som towne within this Jurisdiction, the dangers of the seas excepted ; vnder the penaltie of forty shillings forfeite ; the one halfe to the Countrey and the other halfe to the Informer and officer appointed as aforsaid ; forthwith to be payed ; And that such master of boate £3 shewing a Certificate from vnder the Constables hand ; or any of the Celect men of the Townes where hee shall vnload as aforsaid ; shall ffree and discharge him from the Ceuritie giuen as abouesaid ;

And that noe barke shalbe transported out of this Jurisdiction vnder the penaltie and forfeiture as aforsaid ;

Notwithstanding the former order concerning the Transportation of Timber it is ordered That any pson or psons may transport any timber, out of any Townships that shall grow vpon theire owne pticular proprieties, provided that they make it appeer to any one of the Celect men or Constables of the respectiue Townships by the testimony of one pson not Interested therein ; and that shipcarpenters be vnder the same restraint as others ; and that in defect of any officer neglecting to take notice of the transgression of this order such transgression of the said law shalbe p'sentable by the Grand enquest

* Actes and orders made and concluded the 4th of July 1672

*121

IT is enacted by the Court that if any pson or psons that shall att any time heerafter: shipp: or load on board any: ffish into any vessell ; which shalbe caught att Cape Cod but such as hee or they shall giue an accoumpt off to the water Bayley ; all such ffishes shalbe forfeite to the Collonies vse ;

1672.

And that the Water bayley be heerby Impowered to make seizure of all such ffish as shall att any time become forfeite ; and to giue an accoumpt therof vnto the Treasurer ; or such as shalbe appointed by the Majestrates or any four of them ; to take the said accoumpt ;

[PART III.]

ffor the Regulatcing of the troope It is ordered by the Court that they be deuided into three Squadrons viz: To the Captaine Leiftenant and Cornett to exercise each Squadron twise in the yeare ;

Troopers.

And that they take a list of the troopp and see that they keep horses with Armes Amunition and Acoulterments fit for that seruice ;

As alsoe that euery trooper shall provide himselfe with a ffix Carbine or horsmans peece betwixt this and the next election Court ; or returne vnto the foot Companie where they dwell ;

An order directed from the Court to the Comission officers of the Milletary Companies of this Jurisdiction as followeth

Gentlemen ;

The Court haucing reason vpon the Intelligence wee haue receiued to feare that wee may haue trouble from the States Generall of the vnited Belgicke Prouinces or others before the revolution of the yeare ; and how soone wee know not ; doe see reason to take notice of what condition our people are in to defend themselues against an enimie and doe therfore heerby require you speedily and very strictly to make serch how youer men are provided with fixed armes and amunition according to order of Court ; and that as well ancient psons that are out of the lists as others ; and that you alsoe enquire into the Townes stocke of Armes and amunition ; and vpon an Impartiall view you cause the Constable by vertue heerof forthwith to Leuy the fine by distresse if not otherwise payed ; The fines of Listed soldiers to the vse of the Companie ; and of others to the Townes vse ; and make speedy returne to the Gou^r or Major how they find the Townes stocke that they may take course to gather those fines for the Collonie ; and in Generall may ^{know} know how youer towne are provided.

And incase of a suddaine assault or approach of an enemy the Court orders you as much as may be to be Guided by the orders of the Councell of Warr that sits att Plymouth the second day of Aprill i667 vtill you shall receiue more pticular orders from the Gou^r Major or Councell of warr ; and that you doe alsoe take Notice of the troopers as to defect of armes and Amunition in youer Towne and leuy theire fines as abouesaid to the vse of the troope ; vnlesse in such Townes wherin any Comission officer of the troop doth reside.

Wee being Informed that it is vpon the harts of our Naighbours of the Massachusetts Collonie to support and Incurrage that Nursary of Learning att harverd Colledge in Cambridge in New England from whence haue through the blessing of God Issued many worthy and vsefull persons for Publique

service in Church and Comonwealth ; being alsoe Informed that diuers Godly and well affected in England are redy to Assist therein by way of contributing considerable sumes provided the Countrey heer are forward to promote the same ; and that the seuerall Townes in the Massachusetts haue bine very free in their offerings thervnto ; wee alsoe being by letters from them Invited and Insighted to Joyne with them in soe good a worke ; and that wee may haue an Interest with others In the blessing that the Lord may please from thence to convey vnto the Countrey ; this Court doth therfore earnestly comend it to the Minnesters and Elders in each Towne, that they takeing such with them as they shall thinke meet ; would p'ticularly and earnestly moue and stirr vp all such in their seuerall townes as are able to contribute vnto this worthy worke be it in mony or other good pay ; and that they make a returne of what they shall effect heerin vnto the Court that shall sit in october next whoe will then appoint meet p'sons to receiue the contributions and faithfully to dispose of the same for the ends proposed.

[PART III.]

*It is ordered by the Court that the charge of the free Scoole, which is three and thirty pounds a yeare shalbe defrayed by the Treasurer out of the proffitts arising by the ffishing att the Cape vntill such Time as that the minds of the ffreemen be knowne consarning it which wilbe returned to the next Court of election ;

*123
1673.
June.

Notwithstanding the former order concerning the Transportation of Timber It is ordered by the Court That any pson or p'sons may Transport any timber out of any Townships in this Collonie ; that shall grow vpon their owne p'ticulare proprieties provided that they make it appeer To any one of the Celect men or Constables of the respectiue Townships by the testimony of one pson vninterested therein ; and that shipcarpenters be vnder the same restraint as others ; and that in defect of any officer neglecting to take Notice of the Transgression of this order such transgression of the said law shalbe p'sentable by the Grand enquest ;

It is enacted by the Court That whatsoever euidence of Land is or shalbe brought from any Towne booke to be placed in the Court Records shalbe shewed in open Court before it be entered ;

It is enacted by the Court that the one halfe of the Excise due to the Country on the Mackerell to be caught att the Cape bee henceforth abated : viz: that whereas it was twelue pence a barrell to our owne it shall henceforth be but sixpence a barrell from our owne and whereas it was formerly two shillings a barrell to fforraignors it shall henceforth be but twelue pence a barrell to fforraignors ; except any shall come in before the next Court and rent the said priuledge of Cape ffishing ;

[PART III.]

The Court haue ordered that the pay for killing of woulues be lowered from thirty to twenty shillings a head ;

The Court haue ordered that nothing shall stand in force in our written booke of lawes ; but what the printed lawes Refer vnto ;

*125

*Acts and orders made and concluded the 4th of July 1673

IT is enacted by the Court That the Comission officers of each Township of this Jurisdiction as often as they see cause shall make serch and take notice of the defects in Armes and amunition in each Township ; which defects being deliuered to the Constable by the aboue said officers the Constable with the Clarke of that Companie shall leuy the fines by destresse for the vse of the Companie according to order of Court, and that the said Military officers, haue the like power ; to make serch and leuy fines for defect on ancient psons, and all Inhabitants altho not of the traine band ; and the fine of such to be to the poor of the Towne or other Towne vse ;

Rules for Aprisments of Goods or other estate to be leuied by destresse or execution ; viz:

Apprisors. That two meet men of good Judgment be chosen apprisors, one of them by the Constable and the other by the p^rson on whose estate the distresse is made or incase of his default then to be chosen by the Constable ; and where the pty concerned refuseth to sett forth suitable estate both as to nearnes of the sune to be leuied and to the specue due, there the Constable shall seize such goods as may best suite thervnto to be equally and Indifferently appraised according to the specue due and not ouerprised ;

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And incase the apprisers refuse to attend that seruice on the Constables warning then such refuser to forfeite fve shillings to the Countryes vse.

It is enacted by the Court That such Indians especially young men as Run in debt to any English for thinges nessesary for them shalbe made to worke it out att reasonable rates if they haue not else to discharge their just debts ;

Indians.

It is enacted by the Court That whosoever takes any pledge or paune of any Indian for siluer or any sort of drinke shall vpon complaint of the Indian loose both his pledge and the mony payed ;

It is enacted by the Court that noe ordinary keeper or other pson shall henceforth sell any beer to any Indian vpon penaltie of fve shillings for euery quart soe sold to be payed to the Treasurer for the Countryes vse ;

Indians.

And if any Indian be found destempered with drinke and be brought before the Court ; in Court time or before any maiestrate ; or in townes where noe Majestrate is before any of the Celect men of the Towne if as soon as hee

is capable hee will not declare of whom hee had his drinke; hee shalbe forth-
with whipt; and his accusation *of any pson shalbe prooffe against them ex- [PART III.]
cept they shall clear themselves by their oath, as incase of liquor is provided *127
and if it manifestly appeere that such Indian doth wrongfully accuse any p'son,
hee shalbe seuerly whipt for his drunkenes and false accusation.

It is enacted by the Court that on the sixt day of the weeke in October Indians.
Court and July Court; and att noe other Courts or other dayes in those
weekes shall Indian busines be attended by the Court to the prejudice of the
other Occations of the Court and Countrey;

In reference to such that come to vntimely death It is enacted by the Vntimely
Court that noe such pson be buried before such time that a Corroner or Con- death.
stable wher no Corroner is, be Informed of such death vpon the penaltie of
fue pounds and that such pson or psons that are most nearly related to such
psons soe dieing shall forthwith giue notice to a Corroner or Cunstable; and
in defect heerof any other pson is heerby bound, haueing knowlidge of it
forthwith to giue Information as aforesaid and be payed out of the estate of
the pson soe deceased or by the Treasurer where no such estate is found.

It is enacted by the Court

That noe pson whatsoever in this Collonie shall haue libertie to keep Horses.
about three horse kind on the Comons; viz: euery housholder Inhabitant or
that hath twenty pound rateable estate shall haue libertie to keep one; and
hee that hath forty pound rateable estate hath libertie to keep two and such
as haue sixty pound rateable estate may keep three; but none about three as
abouesaid; a colt not to be reckoned for one till a yeare old

And if any p'son or p'sons shalbe found to keep more horse kind runing Horses.
on the Comons then this law aloweth him; It shalbee lawfull for any treas-
pased by such horse kind to kill them;

Pay fue shillings a weeke for euery horse kind more then his number
for the Townes vse;

And what horses or horse kind soeuer doe or shall treaspas any in their Horses.
Corne or other enclosed lands or meddowes after warning giuen; if they con-
tinew soe to treaspas It shalbe lawfull for the pson soe treaspased to kill them.

It is enacted by the Court that what is in our written booke of lawes
be by vs looked vpon for law and be taken out of the said booke and by a
Comittee drawne vp into one vollume.

It is enacted by the Court that those that are or shalbe sent from the Deputys.
seuerall Townes for to serue as deputies shall haue a voate with the Majes-
trates in the purging of the Court vntill by the abouesaid disaccepted.

Gage: Tar. It is enacted by the Court That 15 Gallons beer measure shalbe a settled Gage for tarr barrells ;

i674.
*129 *Actes and orderers made and concluded the fourth day of June Ann^o Domⁱ i674 as followeth ;

Freemen. **I**T is enacted by the Court and the authoritie therof as to the orderly Admittance of ffreemen ; first that the Names of the ffreemen in each Towne be kept vpon Towne Record ; and that noe mans Name shalbe brought into the Court to be propounded to take vp his ffreedome vnlesse hee haue had the approbation of the Major pte of y^e ffreemen att home, and the same to be signified to the Court vnder the Towne Clarkes hand by the Deputies ;

Ordinarys. It is enacted by the Court ; That as to the restraining of abuses in ordinaries, That noe ordinary keeper shall sell or giue any kind of drinke to Inhabitants of the Towne vpon the Lords day ; and alsoe that all Ordinary keepers be required to cleare their houses of all Towne dwellers and strangers that are there (on a drinking accoumpt) except such as lodge in the house ; by the shutting in of the day light vpon the forfeiture of fve shillings, the one halfe to the Informer and the other halfe to the Townes vse ;

Pound keep^r. It is enacted by the Court that whatsoever Neat Cattle horse kind sheep or swine henceforth being Impounded for Treaspas or damage done ; that the p^rson that owneth the said cattle sheep swine or horskind doe giue to the pound keeper Securitie, to satisfy the damage done by them for which they were Impounded: viz: Ingage before two witnesses or giue vnder his hand to the keeper of the pound to satisfy such Just and legall damages as abouesaid ; and the poundkeeper that releaseth such beasts being alsoe satisfied for his Impounding of them ;

Race^m. It is enacted by the Court that whatsoever p^rson shall Run a Race with any horse kind in any street or Comon Road shall forfeite fve shillings in mony forthwith to be leuied by the Constable or sit in the stockes one houre if it be not payed.

Indians. It is enacted by the Court That Wheras many Controversyes doe arise between the English and the Indians that are brought to tryall of the seuerall Courts of this Gou^rment ; and it is obserued that the Indians would be greatly disadvantaged if noe Testimony should in such case be accepted but on oath ; This Court orders, that any Court of this Jurisdiction before whom such tryall may come shall not be strictly tyed vp to such Testimonies ; on oath as the Comon law requires but may therein acte and determine in a way of Chancery ; valluing Testimonies not sworne on bothsydes according to their Judgment and Consience ;

The order forbiding powder and shott to be sold to the Indians is Repealed; [PART III.]

It is enacted by the Court that wheras Mannamoiett Paomitt and Satuckett haue bin put vnder the Constableshipp of Eastham; That they shall belonge vnto, and be off the said Township vntill the Court shall see cause otherwise to order and all other places in like Capasitie shall belonge vnto p'ticular townships as the Court shall see meet;

*This Court haueing receiued by the deputies of the seuerall townes the signification of the minds of the Major pte of the freemen of this Collonie that all the proffitts of the ffishing att Cape Code graunted by the Court for the erecting and Maintaining of a Scoole be still continewd for that end if a competent Number of Scollars shall appeer to be deuoted thervnto, which this Court Judges not to be lesse then eight or ten Doe therfore heerby con-
 ferme the Graunt of the aforsaid proffitts of the ffishing att the Cape to the Maintainance of the Scoole; and that there be noe further demaunds, besides the said proffitts of the Cape demaunded of the Country for the Maintainance of the said Scoole. *131
1674.
School.

It is enacted by the Court that such Indians as liue Idlely and will not take care to pay their Just debts after conviction, shalbe made to serue either those to whom they are Indebted or some other man vntill the debt be satisfied for twelue pence a day in summer time and six pence a day in winter time and their diett, and if they will not serue but run away; then it may be lawfull to sell them by order from two Majestrates of this Jurisdiction or the Selectmen of the Towne for soe longe a time as they shall see fitt, vntill the debt be satisfied for, and all such charges as shall arise vpon defect as aforsaid;

And for all younge p'sons of the Indians as spend their time Idlely It shalbe in the power of the Celect men or Constable in each Towne vpon complaint for to put them to some p'sons that shall keep them to worke and not abuse them, but if such p'sons shall or doe run away they shall forfeite double for such time as they are absent;

It is enacted by the Court that such Indians which shall or doe steale any thinge from the English hee or they shall make restitution by payment of four fold either by serueing it out; or some other way or be sold for his theft; att the descretion of two of the Majestrates of this Jurisdiction.

It is enacted by the Court; that concerning Indian claimes that are shalbe made to any lands within this Gou'ment; which are now orderly pos-

[PART III.] sessed by the English those which doe lay claime to them shall orderly comence and procecute theire claime as farr as hee or they are able ; within one whole yeare after they be off age ; and noe longer and that care be taken that the Indians haue notice of it ;

Troopers. It is enacted by the Court that it be signified to the Townes that the Court expects that the troopers in each towne be as many in Number as before and that they be prouided with armes and other aculterments fitt for that seruice, and that theire Names be sent in to the next July Court ;

***133** *Actes and orders made and concluded the first of June i675 by the Generall Court then assembled att Plymouth for the Jurisdiction of New Plymouth as followeth ;

Select men. **W**HERAS through the varietie of Interpretations of sundry orders Respecting the Celect mens Courts ; there may arise such acteings as may be crosse to the maine end of that Constitution For the better Regulateing therof it is ordered by the Court and the authoritie therof ; that the Courts of Celect men nor any of them shall haue power to send forth any precept to seize any estate without theire Respective Townships, or to compel any p'son that is not found within theire respectiue Townships, vnto theire obeidience ; nor shall haue power to try any of the Kinges officers respecting the execution of theire office for any damage to any p'son pretended therby to be received ; nor to try any action of defamation battery, or that respects Title of lands ; nor to make allowance for more witnesses then is nessesarie to any case brought before them nor to allow more then eighteenpence a day for one witnes attendance thereon, nor to allow any cost for any Atorneyes nor to hold more then two Courts in a yeer ; viz: one to be kept on the last Tusday in September ; Annually, and the other the first Tusday in february Annually, nor to ajorne any of theire Courts longer then vntill the next day Imediately following such respectiue Court saueing theire libertie onely to call a speciall Court incase they see vrgent cause therof, onely on the accoumpt of a stranger, being concerned in a case, which without much damage can not well be deferred to one of the Cettled Courts ; and further it is ordered that incase where a plaintiffe is Inhabitant of an other Towne ; and neglects to procecute or to signify to the defendant, and to one of the Celect men his leting fall his action ; then appeering, the defendant hee shall haue his cost allowed, which vpon certifi cate therof to any of the Majestrates ; hee shall Issue forth a warrant to the Constable to Leuy such cost on the goods of the said offending plaintiffe and make payment therof to the said defendant damnified ;

*This Court voates the Country to repay, within two yeers after the date heerof the fifty pounds to Gou^r Prence his executrix which hee in his life time payed to the Treasurer in the Countryes behalfe as pte of the purchase of his late dwelling house and lands att Plymouth on condition that if the said Executrix ; together with all the children concerned therin ; which are in this Country, shall resigne vp the deeds which was giuen to the said late Gou^r Prence by the Treasurer in the Countryes behalfe ; and alsoe shall and doe giue sufficient euidence in law to the Treasurer in the behalfe of the Countrey for the said house and lands ; with warrantice onely from by and vnder them the said executrix and children theire and euery of theire heires and assignes for euer ; and that then vpon theire signeing and sealing euidences vnto the Treasurer aforesaid, hee alsoe in behalfe of the Country signe and seale a generall release to them of all debts dues bills bonds and demaunds whatsoever ;

[PART III.]

*134
1675.

It is alsoe further ordered by this Court That M^r Thomas Hinckley Capt: James Cudworth and Leift: Morton are Impowered to acte with the Treasurer in the p^rmises ; or incase of his neglect or refusall to acte in the p^rmises or any pte therof ; That then the s^d M^r Thomas Hinckley Capt: Cudworth and Leift: Morton be heerby fully Impowered to acte therin in the Countryes behalfe without him as alsoe to dispose of the said house and lands, by seting leasing or selling the same in the Countryes behalfe as they shall see cause.

It being moued by some of the Comissioners which mett this yeer att ^{Indians.} Boston That some one of the Majestrats might be appointed and Impowered to be healpfull to the praying Indians in this Jurisdiction in Matters ciuill for theire better Gou^rment and the Issueing of such controuersies as may arise amongst them ; This Court being sensible that it may haue a good tendencye to the ciuilliseing of the said Indians ; and that it may be some ease both to this Court and to the Indians doe therefore order and empower the Worsh^u Thomas Hinckley, to call and keep Courts amongst the said Indians att such times and in such places of this Gou^rment ; as hee shall thinke meet ; for such end ; and doe heerby Impower him ; together with the heads or cheife of the Indians In the seucrall places to make orders, respecting the Gou^rment of the said Indians ; and to punish them for misdemenors except in cases capitall, and to issue amongst them all ciuill controverses prouided that the said Indians, shall haue libertie, to make theire appeales from that power to our Court of New Plymouth if they see reason soe to doe ;

*It is enacted by the Court and the Authoritie therof That if any man haue damage done by horses swine sheep or neat Cattle and the damage don is full a mile or more from the Towne pound ; Then it shalbe lawfull for such

*135

Impounding.

[PART III.] an one to Impound the beast that hath Treaspased in a pound house or place of restraint, erected vpon his owne ground twenty four houres and that hee shall within six houres giue Notice to the pson that ownes the beast or cattle, which if the owner will not come and satisfy ; Then hee that hath the Treaspas don him may driue them to the Towne pound ; and shall haue what is Nessesarie for the driueing of them together with the damage, and hee that Impounds the cattle or beast shall giue oath before a maiestrate or Celect man (if required) what cattle or beast did the damage soc farr as hee knoweth ; and that shalbe taken for sufficient proffe when other can not be obtained.

fences. It is enacted by the Court that all fences for cecuring of corne shalbe full four foot high or otherwise sufficient by the judgment of Indifferent men ;

Indians. Wheras it is obserued that some by lending Guns &c to the Indians wherby their Nessesary armes are many times out of Culture or out of the power of the owners for their vse if any exegencye should fall ; the Court haue ordered that henceforth none shall lend any Gun or Guns to the Indians on paine of forfeiting them or the vallue of them to the Collonies vse.

Halberts at Election &c. It is ordered by the Court that foure halbertcers be in a reddines to Attend the Gou^r and Assistants on dayes of election yeerly and two after the election is ouer all the time which that Court contineweth ;

Troopers casheir^d. Wheras it was ordered by the Court that the Troope were Required to procure Carbines ; and serue as a troop of Dragoneers, vnderstanding that they haue Generally declined it ; the Court haue ordered that they returne againe to their foot Companies and doe seruice therein and be subject to such orders as are requisite in that behalfe in the seuerall Townshipes whervnto they belonge ,

Meeting house in each Towne. It is enacted by the Court that there be a publicke house erected in euery Towne of this Gou^rment for the Towne comfortably to meet in to worship God ; and incase any Towne shall apparently neglect or refuse to build the said house ; it shalbe in the power of the Gou^r and Maiestrates to appoint and authorise a pson or psons to build the said house according to the abillitie and Nessesitie of the people and the charge therof to be defrayed by all the Inhabitants and propriators of the Towne ;

*136 *It is ordered by the Court that wheras Graunts of land haue bin formerly made vnto sundry freemen ; and many more freemen haue petitioned the Court for land ; and the Court not knowing what lands are yett vndisposed of by reason of former Graunts vnto seuerall Townes whose bounds are not certainly knowne this Court doth order M^r Constant Southworth and Wil-

lam Paybody with such psons as the respectiue townes shall see cause to Joyne with them to run the line ; and to sett the bounds of all such Townes ; where theire bounds border on the Comons or vndisposed lands ; whoe are Impowered together, or where any Towne shall omitt or neglect to send or appoint men as aforsaid to Joyne in runing such line or settleing Townes bounds ; then the aboue said M^r Constant Southworth and Wiltam Paybody shall haue power to doe it, themselues, as neare as they can ; according to Graunts and Records Respecting the p^rmises ; and what they shall doe therin to stand valled and vniolable for the future and the charge to be defrayed by the seuerall Townes about which they shalbe Employed ;

[PART III.]

Alsoe the Court haue ordered and Impowered the aboue named M^r Constant Southworth and Wiltam Paybody to Run the line between Bridgwater and Middlebery

Incase of the Treasurers Neglect that then Nathaniell Thomas Leiftenant Morton and John Thompson to supply ;

*Actes and orders of the Court made and concluded the 4th of Nouember 1676

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1676.

IT is ordered by the Court and the Authoritie therof ; That there be a true List taken of the Names of all male psons in each Towne of this Gou^rment that are betwixt the age of sixteen yeers and sixty yeers whether they doe Judge them able to doe service or disabled thervnto ; and those in each towne that are Judged by the Towne or Comission officers to be disabled from service that they be listed by themselues after the rest ; and this to be brought to Plymouth vnder the hand of the Clarke of the Company or Comission officers against the next June Court.

It is ordered by the Court that each Towne choose two or three men to take a more p^rfect and exact list of the Rateable estate of the Inhabitants of each Towne and for the better and more cleare bringing in of an Inventory of the Rateable estate of each Towne, these Rules are to be obserued ;

Rates.

First That a list of the Rateable estate of this Collonie shalbe taken between the 20th of May and June Court ; and p^rsented to June Court ;

2. That in all townes noe Inpropriated lands lying dormant that is within the Towneshipp is to be listed as Rateable

3. That in takeing of a list That beasts cattle sheep hoggs and the Number of them with the p^rticular age shalbe expressed, and not a valluation of the worth of them ; in a lumpe estimated by them that take a list

4. That after the list Taken that the Towne meet together to hear the list red ; that if any be wronged hee may make it appeer that hee may be

[PART III.] righted and if any haue not giuen a true list of his estate it may happily be
 { discovered and made manifest by some Neighbours ;

Indians. Whereas there is an acte or order made by the Councell of warr bearing date July 1676 prohibiting any male Indian captiue to abide in this Jurisdiction that is aboue fourteen yeers of age att the begining of his or theire captiuity and incase any such should continew in the Collonie after the time then prefixed they should be forfeite to the vse of the Gou'ment this Court sees cause to ratify and confeirme that order ; and acte and doe therfore order ; that all such as haue any such Indian male captiue that they shall dispose of them out of the Collonie by the first of December next on paine of forfeiting euery such Indian or Indians to the vse of the Collonie ; and the Constables of each Towne of this Jurisdiction ; are heerby ordered to take notice of any such Indian or Indians staying in any the respectiue townes of this Collonie, after the time prefixed ; and shall forthwith bring them ; To the Treasurer ; To be disposed off to the vse of the Gou'ment ; as aforesaid ;

[¹ Beniamen] Captaine,¹ Church haueing ; for and in the behalfe of the Collonie,
 Indians. engaged to seuerall Indians ; about fise or six ; That incase they did carry well they should abide in this Jurisdiction ; and not sold to any fforraigne p'tes ; accordingly this Court doth confeirme the said engagement and doth heerby tollarate theire stay as aforesaid ; notwithstanding any law of this Collonie to the contrary ; excepting ; if any of them should appeer to haue had a hand in any horred murder of any of the English p'ticularly excepting one Crossman ; whoe is accused to haue had a speciall hand in the crewell murder of M^r Hezekiah Willett ;

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 Indians. *It is enacted by the Court That noe Indian or Indians of those that came in and submitted themselues to mercye shalbe p'mitted they nor any of theire posteritie to beare Armes for the future within this Collonie ;

Indians. It is enacted by the Court That noe Indians that are servants to the English shall be p'mitted to vse guns for fowling or other exercyse ; as being Judged that it may proue prejudicall in time to the English ; and therefore that none shalbe p'mitted soe to doe on paine of forfeiting euery such Gun soe vsed to the vse of the Collonie ;

Indians. fforasmuch as by frequent and sad Experience it is found that selling of armes and amunition to the Indians, is very p'nisious and destructive to the

English It is therefore ordered decreed and Inacted by the Court and the
 authoritie therof; That whosoever shalbe found to sell barter or giue directly
 or Indirectly any Gun or Guns or Amunition of any kind; to any Indian or
 Indians; and the same legally proued against them; euery such pson or psons
 shalbe put to death; And in defect of full and legall proffe there the printed
 law prohibiting the same selling guns or amunition &c: To take place;

[PART III.]

this was first
 ordered and
 enacted by the
 Councell of
 Warr in July
 1676 and now
 confeirmed by
 the Court.

See printed booke of lawes Chap: 14 page 43:

The Court haue ordered That the necke of land called Showamett shalbe
 sold the prise wherof to be Improued for the releiffe of maimed souldiers and
 others that are in Great Nessesitie in our Collonie whose Pouertie hath bin
 caused by the late warr; as alsoe for the defraying of such Just debts as the
 Country stands engaged vnto any.

The Gou^r: M^r Hinckley Major Cudworth and the Treasurer or any two
 of them; are appointed, and Impowered by the Court to make sale of Show-
 amett Mount hope and Pocassett in the behalfe of the Collonie; and to make
 and seale deeds in the Collonies behalfe; for the confeirmation of the sale
 of them or any of them; and on receipt of the monies; to giue acquittances
 and discharges as occation may require;

And the same psons, viz: The Gou^r M^r Hinckley Major Cudworth and
 the Treasurer, are Impowered; together with one chosen and deputed by
 each Towne in this Collonie; or as many of them as shall appeer att the
 time & place appointed; To make distribution of the prise onely of Showa-
 mett for the releiffe of maimed souldiers and p^rsons Impoverished by the warr
 and poor widdowes such as haue lost their husbands in the warr and others
 in Great Nessesitie and for the defraying such apparent and just debts as are
 by the Collonie owing vnto any;

*Att the Generall Court held att Plymouth the fift of June 1677

*141

WHERAS by frequent and sad Experience great disorder acrewes by the Indians.
 great concourse of Indians vnto Plymouth in Court times in that
 very oftens they drinke themselues drunke wherby God is much dishonored
 and sober minded men offended; It is ordered by the Court that all Indians
 be prohibited from appeering att Plymouth in Court times, except vpon speciall
 occations, without order from some one of the Majestrates of this Jurisdiction,
 or a Celect man, on paine of the payment of a fine of fve shillings; for any
 that shall appeer without a certifcate, as aforesaid or to be publickly whipt;

[PART III.]

Att the 2^ond session of the Generall Court holden att Plymouth the 10th of July ann^o Domi: 1677 actes and orders made and concluded as followeth ;

Wine Liquors
&c.

AS an addition to former orders of the Court for prevention of the growing intollerable abuse by wine stronge liquors &c both amongst the Indians and English

It is ordered by this Court and the authoritie therof that the order mensioned in the printed booke of lawes Chap: 13: N: 1: of retailing wine stronge liquors &c: without lycence is to be construed as intending Strangers as Well as others.

Ordinary
keepers &c.

It is enacted by the Court that Noe ordinary keepers or other pson or psons shall sell draw or suffer to be drawne any wine or stronge Liquors to any but strangers except incase of manifest sicknes or Nessesitie in that kind ; on paine of ten shillings fforfeite for euery such default the one halfe to the Country and the other halfe to the enformer.

Ordinary
keepers.

It is ordered by the Court and the authoritie therof that none shall presume to deliuer any wine stronge Liquors or Cyder to any pson or psons whoe they may suspect will abuse the same ; or to any boyes Gerles or single psons tho pretending to come in the name of any sicke pson without a note vnder the hand of some sober pson in whose Name ; they come on paine of fve shillings for euery such Transgression ; the one halfe to the Country and the other halfe to the enformer.

This order was
repealed No-
uem: first 1677.

And forasmuch as it is Judged that letting the Indians haue siluer mony is a great meanes wherby they are furnished with Liquors to their Great abuse through the Inordinate loue of their mony by some couetuous or euill minded English It is therefore ordered by the Court that noe English or other Nation whatsoever liueing with vs shall Giue trucke or Lend any siluer mony to any Indian or Indians on any pretence whatsoever on paine of fve times the vallue therof to be forfeite ; the one halfe to the Country and the other halfe to the enformer.

The names of the men appointed by the Court in euery Towne to see the orders about and against abuse of drinke and liquors put in execution are as followeth

Plym. Serjean[t] Harlow	}	Barns. M ^r . Huckens	}
Andrew Ringe	}	M ^r . Barnabas Loythorp	}
Duxburr. John Wadsworth	}	Swansey John Butterworth	
Benjamin Bartlett	}	seni ^r	

Scittu. John Bryant	}	Marsh. Thomas Doghed	}	[PART III.]
Thomas Wade	}	Ephraim Little	}	
Sandw. Mr Edmond ffreeman	}	Reho. Mr Samuell Newman		
Thomas Tupper	}			
Taunton James Walker	}	Easth. Will: Walker	}	
Joseph Wilbore	}	Daniel Cole seni ^r	}	
Yarmouth John Hawes	}	Bridgw. Serj. Cary	}	
Anthony Frey	}	John Haward x x	}	

*Att the second session of the Generall Court held att Plym the 10th of July i677 Actes and orders made and concluded *143

~~It is enacted by the Court and the authoritie therof That, the order Injoyn-
ing the Milletary Comission officers in each Towne of this Gou^rment:
shall againe be put in execution for the Training and exersyseing of the
Companies four dayes in a year; and that they not onely traine theire soul-
diers in theire postures and motions; but alsoe in shooting att Markes &c:~~

It is enacted by the Court That all such p^rsons in this Gou^rment whoe Military.
haue serued vnder Comission in the late Warr against the Natiues shall not
be compellable to serue in the Milletary Companie in any lower capassitie
then Comission officers; and those officers whoe serued in lower degree shall
returne to theire former stations;

It is enacted by the Court That the order made by the Generall Court Military.
October the fourth i675 Respecting carrying of Armes to the Meeting be put
in execution by all such p^rsons as are by the Lawes of this Collonie Required
to beare armes viz: the one halfe of the Companie one day and the other the
other day; and soe continewd vntill further order to the Contrary from
the Gou^r or Councell;

It is enacted By the Court That the order of Court made Ann^o i644 Military.
allowing Matchcockes be repealed; and that all p^rsons Required by the Lawes
of this Collonie to keep and Maintaine armes; be att all times provided with
sufficient fix fier lockes or snaphance Musketts or other servicable peeces not
exceeding four foot and an halfe longe; nor vnder Colliuer bore on penaltie
of six shillings to be leuied on the estate of all and euery such p^rson or p^rsons
as by order are appointed to keep and Maintaine the same; and that euery
p^rson required to keep and Maintaine Armes shall for euery fier locke or snap-
hance be alwaies provided with thirty flints on penaltie of twelue pence fine;

[PART III.]
 Military. It is enacted by the Court; that the Comission officers in each Towne of this Gou'ment doe speedily put in execution the order of Court made the fourth of July (73) for scrching for defects of armes and amunition;

Military. It is enacted by the Court that the Order of Court bearing date i640 shall by the Milletary Comission officers of this Jurisdiction, be put in execution againe viz. The order concerning Training; with this, limitation; and addition that wheras formerly the Milletary Companies were required to traine six times in a yeer they are to traine or be exercised but four times in a yeer; and that they not onely traine thire souldiers in their postures and motions but alsoe att shooting att Markes &c

*145 *The Generall Court held att Plymouth the first of Nouember Ann^o i677

Select Courts. IT was enacted;
 That wheras complaint is made that the order of Court made June i675 concerning Celect Courts that there should be but two in a towne Annually, proueth very prejudiciall to seuerall of our Inhabitants;

It is therfore ordered by this Court that the Celect men in any of our seuerall Townes may hold one or two Courts more in a yeer in their respective townshipes; one on the first Tusday in the month of December yearly and on the first Tusday in May; if they see cause soe to doe;

Strangers
 tradeing with
 Indians. fforasmuch as great inconvenienc doth arise by strangers lying with their vessells in our harbours trading with the Indians wherby such as belonge to the said vessells haue not onely oppertunity by their Trading to defeat such just debts as the said Indians are indebted to our English Inhabitants, by their carrying all they haue to such traders but also being found by experience, that therby the Indians are furnished with prohibited goods contrary to the lawes and peace of this Gou'ment; as liquors guns and amunition &c

This Court doth therfore order that noe fforaignor doe hence forth lye with his vessell in any of our harbours soe as to trade with any of the Indians of this Jurisdiction vnder any pretence whatsoever on paine of the forfeiture of his vessell and goods to the Collonies vse; or the sume of fve or ten pounds as any of the Majestrates or court may see cause as the matter may be cercomstanced;

Schools. fforasmuch as the Maintainance of good litterature doth much tend to the advancement of the weale and florishing estate of societies and Republicques

This Court doth therefore order; That in whatsoever Townshipp in this [PART III.]
 Gou^rment consisting of fifty families or vpwards; any meet man shalbe
 obtained to teach a Gramer scoole such townshipp shall allow att least twelue
 pounds in currant marchantable pay to be raised by rate on all the Inhab-
 itants of such Towne and those that haue the more emediate benifitt therof
 by theire childrens going to scoole with what others may vountarily giue
 to promote soe good a work and generall good, shall make vp the resedue
 Nessesarie to maintaine the same and that the proffitts ariseing of the Cape
 fishing; heertofore ordered to maintaine a Gramer scoole in this Co^monie, be
 destributed to such Townes as haue such Gramer scooles for the maintainance
 therof; not exceeding fwe pounds p annum to any such Towne vnlesse the
 Court Treasurer or other appointed to manage that affaire see good cause to
 adde therunto to any respectiue Towne not exceeding fwe pounds more p
 annum; and further this Court orders that euery such Towne as consists of
 seauenty families or vpwards and hath not a Gramer scoole therein shall allow
 and pay vnto the next Towne which hath such Gramer scoole kept vp amongst
 them, the sume of fwe pounds p annum in currant Marchantable pay, to be
 leuiued on the Inhabitants of such defectiue Townes by rate and gathered and
 deliuered by the Constables of such Townes as by warrant from any Majes-
 trate of this Jurisdiction shalbe required;

The 5th of June 1678 It was enacted by the Generall Court That in Few shall be
encouraged in
getting a min-
ister.
 euery place in this Gou^rment wher a Townshipp is or that is capeable for a
 Townshipp being begun to be peopled though not filled with Inhabitants;
 they or few of them being desirus. to promote the publicke worshipp of God
 amongst them; shalbe assisted by this Gou^rment, soe as that the charge to
 gett an able faithfull preacher of Gods word and to Maintaine the same shalbe
 Raised vpon all the Chattles and Lands or other Rateables, of all the Propri-
 ators of any such place that is there found;

Att the said Court it was ordered that all ffines ffalling by the Transgres- Fines p^d in
siluer.
 sion of the lawes prohibiting the retailing of wines Liquors beer or cyder
 without lycence; and all fines for selling of wine beer liquors or cyder to the
 Indians shalbe payed in siluer mony;

*Att the Generall Court of his Ma^{ty} held att Plymouth for the Jurisdic- *147
 tion of New Plymouth the fift of June i678.

IT was enacted by the Court that there be a publicke house or houses Meeting
houses built
repaired &
enlarged.
 erected finished repaired and Inlarged as there shalbe need; in eucry
 Towne and village; in this Gov^rment; allowed; to be sett vp the worship of God

[PART III.] in ; for the people in such Respectiue places, to meet together for that end ;
 and incase the people of any such place shall refuse or neglect soe to doe ;
 It shall then be in the power of the Court ; to appoint or authorise a pson or
 psons to build finish Repaire and Inlarge such said house, from time to time
 as Need may be ; according to the abillitie of the people of any such place ;
 Requiring men to make a rate or rates vpon all the Inhabitants and propri-
 ators, of any such Towne or village ; To defray the charge of any such
 worke ; and alsoe to Require the Constable to gather such Rate or Rates, and
 make payment therof where it shalbe due for such worke ;

None vote in
 Towns without
 takeing y^e oath
 of fidellity.

Wheras Complaint is Made that the voateing of p^rsons that haue not
 taken the oath of fidellity, doth much obstruct the carrying on of religion in
 the publicke weale

It is enacted by the Court that noe pson whoe hath Not taken the oath
 of fidellitie shall haue libertie to voate in any Towne meeting vntill hee hath
 taken the aforsaid oathe and that there shalbe a Record of the names of all
 that haue or doe take the said oath, and kept by the Clarke of euery towne
 of their owne men that haue taken the same ;

Inhabite with-
 out leaue
 warned &c.

ffor the preventing of prophanes Increasing in the Collonie which is soe
 provoakeing to God and threatening to bringe Judgments vpon vs ;

It is enacted by the Court as an addition to our printed order Chapter
 9th folio 30th That none shall come to inhabite without leaue &c: and if any
 haue or shall att any time Intrude themselues to Inhabite any where within
 this Collonie, not attending the aforsaid order, shall forthwith be warned to
 be gon out of the Collonie, which if they shall not speedily doe, then euery
 such offender shall pay fise shillings p weeke for euery weekes continuance in
 this Collonie after warning, to be gon ;

Not sell or lett
 accomdati^o be-
 fore accepted
 on penalty.

And if any of our Inhabitants shall att any time sell or hier out accom-
 odation in this Collonie To any that haue not according to Court order bin
 accepted, into this Gou^rment, or otherwise entertaine any such Inhabitant
 they shalbe fined fise or ten pound, or more according to the descretion of
 the Court ; hopeing the Court wilbe carefull ; that whom they accept off ;
 are psons orthadox in their Judgments ;

*Att the Generall Court held by adjourment att Plymouth for the Jurisdiction of New Plymouth on the thirde of July año: Domini 1679 Actes and orders made and concluded as followeth ;

[PART III.]

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IT is enacted by the Court and the Authoritie therof
That the seallers shall make serch within their limitts in any house shopp or ware house where they shall conceiue such defectiue lether is to be sold or deliuered whether made vp into shoes Boots or otherwise as oft as they shall thinke meet ; And seize all such lether or shooes And any lether sold or offered to be sold brought or offered to be serched or sealed contrary to the true Intent and meaning of this order ; The same to seize and retaine in his or theire Custody and if the owner shall not submitt to the Judgment of such officer or officers ; shall within three dayes ; call to him two or three honest and skilfull men in such ware to view the same in the p'sence of the ptie concerned, or without him (hee haueing notice therof) whoe shall certify vpon their oathes to the Court or some one of the Majestrates, the defect of the said leather ;

Imp^r. This to be aded to the order about lether & shoomakers Sealers of Leather &c.

And that the forfeiture of such lether or shooes as aforsaid one third Ditto. therof shall goe to the searcher, and the other two thirds to the Plantation wherein the offence is comitted

And if any sealler of Leather shall refuse with convenient speed to Ditto. seale any leather sufficiently tanned, wrought, and vsed according to the true meaning of this order, or shall seale that which ought not to be sealed according to this order, shall forfeit for euery such default twenty shillings.

It is enacted by the Court &c: To the intent ; That the Countryes affaires may be the better carried on att the Generall Courts of election ; That the answere to p'sentments and thinges of like nature ; that may conveniently ; be refered to July Courts ;

It is enacted by the Court &c:

That All publicke ciuill officers haue an oath formed for each office and Oaths. brought to the printed booke.

It is enacted by the Court That the Secretary be yeerly vnder oath.

It is enacted by the Court &c: That the deputie Gou^r be vnder oath as such and therefore annually chosen.

It is enacted by the Court &c. That all euidences p'sented in the Court be kept vpon the file ; and that henceforth none be admitted written by the plaintiffe or defendant or either of their Attorneys, but by some Indifferent

Euidences on file nor writ by partys.

[PART III.] pson and in the witnesses owne words ; and alsoe strictly examined by Court or Majestrate, as the case may require for the clearing of the truth.

It is enacted by the Court &c:

Cost of Court That all costs of Court graunted in any action be payed in siluer mony
p^d in mony. as hath bine Accustomed.

It is enacted by the Court &c:

That in all executions for the leuying of debts in specue according to contract and gathering of rates and fines as by order of Court is required that where the specue will not be tendered nor can not be found, there other goods leuied or destrained shalbe sold att an outcry to procure the same vpon publicke notice giuen therof.

Constables power of Water Bayleys It is enacted by the Court ; That the Constables are Impowred without warrant to make destreese for all sorts of Rates orderly made and comitted to them to collect And that the Constables in the seuerall Plantations shall haue the power of Water Bayleyes in the respectiue plantations where theire is occation for the same.

*150 *Att the third session of the Generall Court held att Plymouth the 28th of Septem: i680

Indians. IT was ordered by the Court, that it shalbe Lawfull for any of the Majestrates, to giue a lycence to Any English ; to sell to our ffrendly Indians, such smale quantities of powder and shott, and to lend such armes to such of them, as such Majestrates, shall see cause, to lycence thervnto ; vnder ; his hand ; Which tickett shalbe a sufficient Warrant to such English, any order of Court, to the contrary, In any wise Notwithstanding ;

*151 *Actes and orders of Court made and concluded by the Generall Court Att theire second session att Plymouth the 7th of July Ann^o Doffi: i68i as followeth

Apprisem^{ts}. FOR the apprisment of Goods or other estate to be leuied by destresse or execution, it is ordered and enacted by the Court ; That hee whose estate is to be prised, is to choose one aprisor ; and hee that is to receiue the estate prised, is to choose another appriser, and incase either neglect to choose ; Then the Constable or Marshall to choose one for him ; and if they two agree not, Then the Marshall or Constable to be the third man ; and where the p^{ty}e concerned refuseth to sett forth suitable estate ; both as to Nearnes of sume to be leuied and to the specy due ; there the Constable or

Marshall shall seize such goods as may best suite therunto; To be equally [PART III.]
and Indifferently prised according to the specye due and not ouerprised;

Wheras there was an order to sell goods att an outcry

In reference to the p^rmises; it is now by the Court repealed.

It is ordered by this Court that there shall not be allowed aboue five Attorneys al-
shillings cost for any attorney or attorneyes to any one action and where there lowance.
shall happen to be but one Attorney entertained but one day in any one action;
then to haue two shillings and six pence onely allowed him for cost therin;

It is ordered by the Court that euery Towne in this Jurisdiction choose Three men
three men to be Joyned together with those of the Comission officers to be of joyned to Com
theire towne Councell; officers to be
y^e Town Coun-
sel.

Concerning Celect Courts Wheras some times it falls out that the plain-
tiffe Not residing in the same Towne where the case is depending They shall
putt in Caution to repaire the defendant if found Inosent before the plaintiffe
hath sumons graunted him;

Wheras the Law saith that the Celect men shall haue their pay att the Select men.
bringing in of their verdict it is now ordered by the Court that they shall
haue their pay att the entering of the action;

Wheras wee find Noe prouision in the law to obtaine any Witnes out of Sumons Witt-
any other towne to bringe evidence in any case that is depending out of the ness.
Towne where the witnes liues, it shalbe lawfull for either plaintiffe or defend-
ant to require a subpena of any Celect man of the same Towne where the wit-
nesses liue; to require any pson to appeer before some one of the Celect men
of the same Towne; To giue evidence before some one or more whoe shall
convey it to the Celect Court of that Towne where the case is depending;

If any pson being legally subpenaed to giue in his evidence before any Neglect.
Celect Court or Celect man, and shall either refuse or neglect to giue in
his evidence, being capeable to giue evidence in the case; shall pay for
euery such default; a fine of twenty shillings, to the vse of the ptie wronged;
for want of such evidence;

*It is enacted by the Court in reference vnto Milletary disipline That all *152
the Milletary Companies in this Gou^rment be made compleat in their Military.
officers of as able and fit men as they may be.

It is enacted by this Court That euery souldier in this Jurisdiction that beares Military.
Armes be with all convenient speed furnished with a compleat sword or cutlas;

[PART III.]

Choice of
Select men.

It is ordered by the Court and the Authoritie therof that the choise of Celect men be specified in the warrants that are sent downe to the seuerall Townes for the choise of his Ma^{ties} officers ; and their names to be returned vnto the Court vnder the Constables hand and to be called in Court to take their oath as is in such case provided ; and if incase any prouidence p^rvent, their appeerance then to appeer before some Majestrate of this Gou^rment ; within one Month after the said Court to take oath vnder the penalty of twenty shillings further it is enacted by this Court That each Towne of this Gou^rment doe provide a booke wherin shall be entered all those orders of Court as are or shalbe made for direction of said Celect Courts by the Secretary being first to enter all said lawes in each of the said bookes or send coppyes therof to each Towne.

Military.

It is ordered by this Court that the Comission officers of the Milletary Companies of each Towne in this Gou^rment doe take care That one fourth pte of said Milletary Companies doe bringe their armes fixed to the Meetings euery Lords daye ; with euery souldier bearing armes six charges of Powder and shott viz begining from the begining of Aprill to the end of October yearly and euery yeer as well in times of peace as warr ; onely in times of danger they shalbe increased as the Milletary Comaunders and Towne Councell shall see cause and that such as palpably neglect or refuse to p^rforme their duty therein shall forfeite two shillings for euery such Neglect ; and ten shillings incase it appeers to be in contempt ; To be gathered by order from the Comission officers to the Constable ; and where it appeers that any doe ordinarily and p^rposely keep from meeting because they would not bringe their Armes as aforesaid to be summoned to the Court to haue such reasonable fines as to the Court shall seem meet, saueing such townes wherby agreement amongst themselues they haue such a number of men proportionable to aforesaid order constantly to carry their armes on euery Lords day ; to the meetings.

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*Lawes and orders made by the Generall Court holden att Plymouth July the 7. 1682.

Indians.

WITH reference to the Indians for their better regulateing and that they may be brought to liue orderly soberly and dilligently first It is enacted by this Court And the Authoritie therof That in each Towne of this Jurisdiction where Indians liue ; some one able descreeet man be apointed by the Court of Assistants ; from time to time as oftens as need shall require to take the ouersight and Gou^rment of the Indians in the said Towne according to such lawes orders and instructions as are or shalbe made and giuen by the Generall Court ;

It is ordered by the Court that the said ouerseer with the Tithingmen in that Towne shall haue power to heare and determine all causes that may happen betwixt Indian and Indian Capitalls and titles vnto lands onely excepted alwaies allowing liberty of appeale to any pty greiued att their Judgment to the Court of Assistants. [PART III.]

It is enacted by the Court; That the said ouerseer shall haue power by warrant vnder his hand to comaund any English Constable in his Township and all Indian Constables whatsoever to Arrest attach Summons & serue executions on the body or goods of any of the Indianes for any matter or cause that may in his Court be heard and determined;

That in each towne where Indians doe reside euery tenth Indian shalbe chosen by the Court of Assistants or said ouerseer yeerly whoe shall take the Inspection care and ouersight of his nine men and present their faults ¹ [and] Misdemenors to the ouerseer which said ouerseer shall keep a list of the Names of the said Tithing Men and those they shall haue the charge of and the said tithingmen shalbe Joyned to the ouerseer in the Adminnestration of Justice and in hearing and determining of causes and incase ² Tithingmen doe [the] not agree with the ouerseer in any case that may come before them in Judgment then the said ouerseer shall haue Negative voyce and such case shalbe remoued to be determined by the Court of Assistants.

That the ouerseer and tithing men shall appoint Constables of the Indians yeerly who shall attend their Courts and the said Constables shall obey all the warrants of the ouerseer on such penalty as the Court of Assistants shall inflict.

Euery Indian shall pay such Rates for his head and estate as the Court of Assistants shall appoint from time to time; which Rates shalbe made and proportioned by the ouerseers Court and gathered by their Constables and payed to the Treasurer or his order.

That once euery yeer the ouerseer shall summons all the Indians within his Townshipp to meet together where and when hee shall appoint and there shall hee cause to be read to their vnderstanding all the capitall and criminall lawes of this Collonie that they may know and obserue them;

That euery Indian in this Collonie shalbe subject to all the capitall and criminall lawes that are or shalbe made for the English of this Collonie and for breach of them suffer the same penalty wher noe other law is provided for them;

All Indians for drunkenes shalbe seuerly punished for the first Transgression they shalbe fined fve shillings or be whipt for the second ten shillings

[PART III.] or be whipt and soe for euery time any of them shalbe convicted of drunkenes before any Court Majestrate ouerseer tithing man or English Constable ;

As an addition to a law made in Nouember i676 prohibiting all such Indians as were our Enimies to beare armes It is further enacted That the ouerseer of the Indians in each Towne shall take speciall Notice and make Inquiry from time to time whoe of the said Indians haue procured any English armes and seize the same for the vse of the Collonie allowing one halfe of the vallue to the Informer ;

That noe fforaigne Indian of other Collonies or Plantations shalbe suffered to hunt in any Towne or Plantation of this Collonie without a pmitt from a majestrate or the Celect men of that Towne wher they shall desire to hunt shewing for how longe they desire to stay ; on penalty of the forfeiture of all such furs and skins as they shall theire gett ; Nor shall any forraigne Indian haue a pmitt to hunt in this Collonie vnlesse they bring a certificate from the place whence they came ;

*154
Indians.

*Wheras the Indians by theire disorderly remoueing from one Place to another liue Idlely and on the Labours of others and spend theire time to Noe Profit It is therefore enacted by the Court that noe Indian whatsoever shall remoue from one place to another without a pmitt in writing, from his ouerseer declareing for what cause or how ; long and whether hee or they are going ; and if any Indian shall remoue from one place to another without his pmitt hee shalbe taken vpp by the Constable of that place where such wanderer shalbe found and carryed before the next ouerseer whoe shall cause him to pay a fine of fve shillings or be whipt ; and sent home to his owne place ; and where Noe ouerseer is to be found the English Constable in that Towne where such Indians are to be found as aforsaid shall execute this office as the ouerseer aboue named might doe nor shall any Indians remoue from one place or Plantation to an other ther to abide aboue three dayes but shall goe to the ouerseer of that towne wher hee is remoued for his pmitt ; declaring for what cause hee came thither and how longe hee or they desire to stay ; and if any Indian shall stay in Any place without a pmitt ; in writing as abouesaid hee shalbe fined fve shillings or be whipt and alsoe sent backe to the place of his former abode.

fforasmuch as the office of an ouerseer is & wilbe burthensome and chargeable It is therefore ordered that hee shalbe alowed out of the publicke Treasury a yeerly sallery.

The said ouerseers and Constables shalbe accoumptable to the Treasurer for all Indian Rates and fines ;

And that all Indian and English Constables shalbe payed by the ouer-

seers for serueing warrants in Criminall cases and Inflicting of Punishments [PART III.]
on the Indians out of the Indian fines or Rates ;

It is enacted by the Court and the Authoritie therof; that if an Indian whoe is a servant to the English shall run away amongst any Indians such Indians whither such a runaway Indian is come shall forthwith giue notice of the said Run away to the Indian Constable whoe shall Imediatly apprehend such Indian servant; and carry him or her before the Ouerseer or Next Majistrate whoe shall cause such servants to be whipt; and sent home by the Constable to his or her master whoe shall pay said Constable for his service therin according as the Majistrate or ouerseer whoe sent such seruant home shall Judge meet ;

This Court doth Request our Honored Gou^r, that now is ; to take the Generall ouersight & Inspection of the whole affaire of the Gou^rment of the Indians in such manor ; as by law is or shalbe prescribed from time to time and to take care of the Preaching of the Gospell amongst them ; and Amitting such of the Indians to preach to them as hee shall thinke fittest for that seruice ; and alsoe to distribute amongst them ; what for that end comes yeerly from England and is allowed to them by the Comissioners of the Vnited Colonies in such manor as hee shall see meet.

Wheras diuers Marchants Shopkeepers Tradsmen and Handicrafts men Debts what
proofe &c.
haue traded sold and trafficked their goods wares and Marchanteice to diuers psons in private and their Costomers oftens sending for such thinges as they Need by children and servants vnder age &c: wherby such Marchants shopkeepers and Tradsmen haue Noe oppertunity to take bonds bills or witnes of the deliuery of their goods yett just it is that such dealers should be duly payed for their wares and Marchantice It is therfore enacted that all and euery Marchant shopkeeper dealler &c: shall keep a booke of their dealing and trading fairely writteng downe therin both debt and credit and the said Marchants their ffactors or servants or any of them that shall deliuer any such wares or Marchandice ; makeing oath that the said Booke of accompts is true both for debt and creditt ; such Booke of accompts shalbe held sufficient in law for the recouery of any debt within four yeers after the deliuery of any such goods ; But if the defendant will take his oathe that hee had not those goods charged in the booke or accompt ; or that hee hath payed for the same ; then the case shalbe tryed and determined according to the best and strongest presumptions the ptyes concerned shall produce ;

*for the settleing and maintaining of Right amongst Naighbors about *155
fences It is enacted by the Court and the Authoritie therof That all such Fences equally
made &c
psons as doe or shall make Improuement of their land by tilling moweing or

[PART III.] grasing which doth or may lye and be adjacent to the lands of any other whoe make Improuement of their land aforesaid; The one propriator or Improuer shall make and Maintaine one halfe of the ffence and the other the other halfe of the ffence in the line or range between the said land;

And where one pson shall Improue his Land before his Naighbour and make the whole ffence himselfe; if afterward his said Naighbour shall Improue his land alsoe hee shall pay his Naighbour for halfe the ffence against his land; according to the present value of it and shall Maintaine the same and if any such pson shall cease to Improue his land as aforesaid then any pson that hath Joyned ffence shall haue liberty to purchase his pte of the fence that ceaseth to Improue paying him according to present vallew by Apprisement of indifferent psons;

And when any psons shall make Improuement of their land lying together; and either of them shall refuse or neglect to make or Maintaine one halfe of the ffence between their land lying together as aforesaid; The ptye Makeing the whole ffence in the line or Range as aforesaid; shall cause the same to be viwed and apprised by psons mutually chosen by him and his Naighbour; but if the Naighbour whoe refuseth to ffence shall refuse to chose any to view and apprise the ffence then hee that made the ffence shall haue liberty to make choise of Indifferent psons to view and apprise the said ffence; and the pty refusing or Neglecting his halfe of ffence shall pay to him that makes and Maintaines it the full vallue of his cost and charges for said halfe from time to time to be recouered by due course of law in any Court proper for the same provided this law be not binding to such as haue their land lye together in a comon field in such case if any pson ffence in his land Intirly hee shall doe it wholly att his owne proper charge;

As an addition to the printed law allowing libertie to men to cleare themselves by their oath incase of being acused for selling strong drinke to the Indians It is ordered That Noe English pson that is acused by an Indian for giueing selling &c: strong drinke to them shall be put to sweare further then the pticular accusation;

The law made July 1673 about horses: viz: the two latter clauses of it allowing the killing of them is repealed;

The law prohibited the catching of ffish before they haue spauned is to be Reviued by the Comissioners att their next sessions;

Horses.

Wheras complaint is made that diuers psons in disorderly manor haue taken vp horses as strays which were then Runing in the woods for preven-

tion wherof for the future it is enacted that noe pson shall take vp any horse kind as a stray which is taken Runing in the woods between the first of Aprill and the first of December yeerly on penalty of ten shillings fine to the Collonie besides damage to the owner of such horses. [PART III.]

Wheras in diuers Townes and places of this Collonie there are seuerall Tracts of land which belong to and are held by diuers psons in comon as the propriators therof and noe order hath bine yett made for their orderly meeting together to deuide the said lands or to make orders for the¹ and settlement of the same ; It is therefore enacted that where need doth require in any such place or Towneshipp ; if the matter doe not concern the Towne as a Towne in Generall vpon request made by the said propriators or some of them to any maiestrate of this Collonie an order shalbe graunted them to warne all the propriators belonging to any such Towne to come together att some certaine time and place to Transact such matters as may concerne them and what shalbe lawfully acted att such meeting by the propriators or the Major pte of them shalbe vallid and binding ; Divideing
lands.
[¹ well]

*It is enacted by the Court That in euery case of ciuell Nature between pty & pty where there shalbe soe neare a relation between any Judge and either of the ptyes as father and son by Nature or by Marriage brother and brother Vnkel and Nephew Landlord and tenant such Judge though hee may giue reasonable advice in the case yett shall hee not haue power to censure therein as a Judge ; *156
Exceptions
against Judge
or Jury.

It is enacted by the Court and the Authoritie therof that none shalbe allowed to keepe an ordinary or publike house of entertainment but such as first be approued soe to doe by the townes wherein they liue ; Ordinary keep-
ers allowed by
y^e Towns.

Wheras complaint is Made of much damage don by swine Rooting vp meddowes and Inclosures for the preventsion wherof it is ordered and enacted that on Notice giuen to the owners of such swine from the pty damnified, said owners shall forthwith Ringe or cause to be sufficient Ringed all such swine ; on penalty of one shilling to be payed for euery such swine that shalbe found vnringed after warning giuen by the wronged pty ; and as often as the owner of such swine shalbe warned to ringe them and Neglect it. Swine.

It is enacted that if any Shipp or other vessell be it frind or enemy shall suffer Shipwrecke vpon our Coast there shalbe noe violence vsed nor wrong offered to their psons or goods but their p^rsons shalbe releiued & harboured ; and their

[PART III.] goods preserved in safety vntill Authoritie may be certified and giue further order therin.

Ordinarys.
[¹ weekly] It is enacted that in euery place wher week day¹ lectures are kept, all victuallers and ordinary keepers shall cleare their houses of all psons able to goe to meeting during the time of the Exercyse except in extreordinary cases for the Nessesary releiffe of Strangers vnexpected repairing to them on penallty of fve shillings for euery such offence

Servile worke
£c. on day of
Humil: £c.
[on] penalty
of fve shil-
lings. It is enacted that none shall p'sume to attend servill worke or labour or attend any sports on such dayes as are or shalbe appointed by the Court for humilliation by fasting and prayer or for publicke Thanksgiueing on penalty of five shillings.

Sabbath. To preuent prophanation of the Lords day by fforaignors or any others vnnessesary traueilling through our Townes on that day; It is enacted by the Court that a fitt man in each Towne be chosen vnto whom whosoever hath Nessesity of trauell on the Lords day incase of danger of death or such Nessesitous occations shall repaire and makeing out such occations satisfyingly to him shall receiue a Tickett from him to pas on about such like occations which if the traueller attend not vnto; It shalbe lawfull for the Constable or any man that meets him to take him vp and stop him vntil hee be brought before Authority or pay his fine for such transgression as by law in that case is provided; and if it after shall appeer that his plea was ffalce then may hee be apprehended att another time and made to pay his fine as aforsaid;

Foraigners &c.
[² strangers] It is enacted that all forraigners² that sell Liquors their vessell shalbe confiscate vntil their fine is payed.

Presse Artifi-
cers to repair
prisons &c. It is ordered That the Gour or any of the Assistants shall haue power to presse men Artificers or others to make or repaire prisons or other Instru-ments of Justice and to order their payments att such reasonable rates as for other worke is accustomed and the Court of Majestrates is to order the pay of such as are Employed in any occations for the Countryes vse;

Stocks, &c. That euery Towne in this Gou'ment shall haue a paire of stockes and a whiping post.

Witnesses. The order Chapt: 4: Secti; 5 for two shillings six pence p day for witnesses shall be intended onely for such as for the waight of the matter are justly required to make their psonall appeerance att Court; other witnesses on oath are to haue but one shilling & six pence a day;

It is enacted that noe Indians heerafter shalbe trusted before hand for ^{Indians not trusted.} any thing by any English on penalty of being Barred the recouery of any debts by action or plaint ;

*It is enacted by the Court That none shall p'sume to buy any guns ^{*157} tooles clothes or any other goods of the Indians vnder the penalty of his returne of said guns tooles clothes or other goods to the Right owners therof from whom they were borrowed stollen or p'loyned by any Indian ;

It is enacted by the Court that any debt dew by bill or specialty to ^{Assignm^{ts}} another shalbe as good a debt to the Assignee as it was to the Assigner and as recouerable by suite provided the Assignment be vnder the Assigners hand ; and witnesses thervnto ;

It is enacted by the Court and the authority therof That all deceightfull ^{Fraudulent conveyances.} or ffraudulent allianations of lands or other estate shalbe of noe vallidity to defeat any man from any due debts just clame title or posession of that which is so fraudulently ; gotten ;

It is enacted by the Court That noe conveyance deed or promise shalbe ^{Duress.} valled which is gotten by illegall violence Imprisonment threats or fforcible compultions ;

It is ordered by the Court

That euery Towne doe procure their bounds¹ to be sett out within ^{Town bounds.} twelue monthes after the end of this Court by such p'sons as the Court [^{of land.}] of Assistants shall appoint to lay out the Same ; wher such bounds are not alreddy layed out and to deside any difference where they are alreddy layed out that may arise between any pties concerned therin ; whether the Townes Country or any other p'sons to whom any lands are graunted saueing to the greiued p'ty his remedy Att law And that in euery Towne the Towne or Celect men appoint two or three p'sons whoe on notice giuen to or by the adjacent Townes shall once in euery two or three yeers goe to the bounds between them to view and renew their bound which shalbe a heape of stones or a trench of six foot longe a foote and an half deep and two foot wide vpon paine of fiue pounds for euery Towne that shall neglect the same ; and that each propriator of lands in any Comon feild or lying vnfenced that shall not once in the yeer or in two yeer ; on warning giuen him by his Naighbour attend the meeting to keep vp the bounds betwixt them which shalbe sufficient meet stones shall forfeite ten shillings for such

[PART III.] default ; the one halfe to the p^{ty} moueing and the other halfe to the Country
and that two or three men shalbe appointed by each Towne to deside the
controuersy or difference between the naighbours or between the Towne and
any of the Inhabitants about the bounds of their lands ; Sauing to the
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